

| <b>SOLID WASTE FACILITY PERMIT</b>   |   | <b>1. Facility/Permit Number:</b><br><b>37-AA-0032</b>  |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
|--|---|---|--|-------|----------|------------------------|-----|-----|--|--|------------|---|--|-------|---|--|-----|-------------------------------|--|------|
| <b>2. Name and Address of Facility:</b><br>Gregory Canyon Landfill<br>9708 Pala Road<br>Pala, CA 92059   | <b>3. Name and Mailing Address of Operator:</b><br>Gregory Canyon Limited<br>991 C-404 Lomas Santa Fe Drive<br>Solana Beach, CA 92075<br>858-792-7661 | <b>4. Name and Address of Owner:</b><br>Gregory Canyon Limited<br>3 Embarcadero Center, Suite 2360<br>San Francisco, CA 94111<br>415-391-2833   |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| <b>5. Specifications:</b><br><br>a. Permitted Operations: Solid Waste Class III Landfill Disposal Site<br><br>b. Permitted Hours of Operation:<br><br>Receipt and Disposal Activities Mon-Fri 7am to 6pm and Sat 8am to 5pm<br>Ancillary Operations and Facility Operation Hours Mon-Fri 7am to 6pm and Sat 8am to 5pm<br><br>c. Permitted Tonnage: Average Daily Tonnage 3,200 tons per day<br>(See Condition 17.A.7) Peak Daily Tonnage 5,000 tons per day<br>Maximum 1,000,000 tons per year<br><br>d. Permitted Traffic Volume: 675 vehicles per day<br>(See Condition 17.A.8)<br><br>e. Key Design Parameters: <table><thead><tr><th></th><th>Total</th><th>Disposal</th></tr></thead><tbody><tr><td>Permitted Area (acres)</td><td>308</td><td>183</td></tr><tr><td>Design Capacity (cubic yards) refuse and cover</td><td></td><td>57,500,000</td></tr><tr><td>Maximum Elevation (feet above mean sea level)</td><td></td><td>1,100</td></tr><tr><td>Maximum Depth (feet above mean sea level)</td><td></td><td>525</td></tr><tr><td>Estimated Closure Date (year)</td><td></td><td>2034</td></tr></tbody></table><br>Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit. |   |   |  | Total | Disposal | Permitted Area (acres) | 308 | 183 | Design Capacity (cubic yards) refuse and cover |  | 57,500,000 | Maximum Elevation (feet above mean sea level) |  | 1,100 | Maximum Depth (feet above mean sea level) |  | 525 | Estimated Closure Date (year) |  | 2034 |
|  | Total   | Disposal  |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| Permitted Area (acres)   | 308   | 183   |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| Design Capacity (cubic yards) refuse and cover   |   | 57,500,000  |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| Maximum Elevation (feet above mean sea level)  |   | 1,100   |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| Maximum Depth (feet above mean sea level)  |   | 525   |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| Estimated Closure Date (year)  |   | 2034  |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |
| <b>6. Approval:</b><br><br>_____<br>Approving Officer Signature<br><br>_____<br>Gary Erbeck, Director<br>Name/Title  |   | <b>7. Enforcement Agency Name and Address:</b><br><br>County of San Diego<br>Department of Environmental Health<br>Solid Waste Local Enforcement Agency<br>9325 Hazard Way<br>San Diego, CA 92123 |  |       |          |                        |     |     |  |  |            |   |  |       |   |  |     |                               |  |      |

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| <b>8. Received by CIWMB:</b>   |  | <b>9. CIWMB Concurrence Date:</b>                          |
| <b>10. Permit Review Due Date:</b>   |  | <b>11. Permit Issued Date:</b>                             |
| <b>12. Legal Description of Facility:</b><br><p>9708 Pala Road, Pala, CA 92059; and as described in Appendix B-3 of the Joint Technical Document, dated May 2004, and as shown on Drawing 6A of the same Joint Technical Document.</p>   |  |  |
| <b>13. Findings:</b> <ul style="list-style-type: none"> <li>a) This permit is consistent with Public Resources Code (PRC) Division 30, and applicable regulations and standards adopted by the California Integrated Waste Management Board (CIWMB). (PRC Section 44008(b) and 44010.)</li> <li>b) This facility is identified and described in the Siting Element of the Countywide Integrated Waste Management Plan (approved by the CIWMB on June 25, 1997), is consistent with the County General Plan, and is compatible with surrounding land use. (PRC, Section 50001(a).)</li> <li>c) A California Environmental Quality Act (CEQA) document was filed with the State Clearinghouse (SCH #1995061007) and certified by the Department of Environmental Health on February 6, 2003. A Notice of Determination was filed with the State Clearinghouse on June 2, 2004. The operation that will be authorized by the issuance of this permit is consistent with and supported by the existing CEQA analysis.</li> <li>d) The San Diego County Fire Marshall has authority over the facility and shall determine its compliance with applicable fire standards. (PRC Section 44151)</li> <li>e) Mitigation Measures have been made conditions of this permit.</li> </ul> |  |  |
| <b>14. Prohibited Waste Activities:</b><br><p>Scavenging [(Title 27 California Code of Regulations (27 CCR), Section 20710)].</p> <p>Salvaging of drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other materials capable of impairing public health unless approved by the LEA and the County Health and Human Services Agency (27 CCR, Section 20720).</p> <p>Disposal of medical waste, unless treated and deemed solid waste pursuant to Part 14 of Division 104 of Health &amp; Safety Code. (27 CCR, Section 20880).</p> <p>Disposal of hazardous waste as defined in Division 4.5 Title 22 California Code of Regulations.</p> <p>Disposal of unaltered tires (27 CCR, Section 17355).</p> <p>On-site feeding of solid waste to animals, which will be used for human consumption (27 CCR, Section 20770).</p> <p>Open burning except as allowed by 27 CCR, Section 20780.</p> <p>Exportation of excavated rock or soil material, unless a County of San Diego Major Use Permit is obtained for such activity [(Final Impact Report (FEIR) 4.1)].</p>  |  |  |
| <b>15. The following documents also describe and condition the operation of this facility:</b>   |  |  |
| Date   |  | Date   |

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| Joint Technical Document, Gregory Canyon Landfill, as amended   | May 2004   | Any facility-specific Waste Discharge Requirements issued by the California Regional Water Quality Control Board, San Diego Region  | TBD  |
| State Water Resources Control Board, Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES Permit No. CAS000001 | 1997 plus any updates or revisions               | State Water Resources Control Board, Waste Discharge Requirements for Discharges of Stormwater Associated with Construction Activities, Order No. 99-08-DWQ, NPDES Permit No. CAS000002 | 1999 plus any updates or revisions                     |
| Environmental Impact Report (SCH #1995061007) certified   | Feb 6, 2003                                      | Odor Control Plan   | Prior to receiving wastes                              |
| Dust Control Plan   | Prior to receiving wastes                        | Memorandum of Agreement Re mitigation of impacts to Native American resources   | Prior to receiving wastes                              |
| Noise Abatement Plan  | Prior to construction                            | Clean Water Act Section 404 Dredge and Fill Permit (Army Corps of Engineers)  | Prior to dredging or filling                           |
| Air Pollution Control District Authority to Construct #_____  | Prior to commencing construction                 | Air Pollution Control District Permit to Operate #_____   | Prior to commencing operations                         |
| Project Grading Plan  | Prior to issuance of grading permit              | Grading Permit (County of San Diego)  | Prior to clearing or grading                           |
| A Mitigation Plan for southern willow scrub and mule fat scrub  | Prior to clearing or grading of riparian habitat | Wetland Mitigation and Habitat Enhancement Plan (for the San Luis Rey River within the project site)  | Prior to issuance of permits for bridge construction   |
| Preliminary Closure and Postclosure Maintenance Plan  | Feb 04   | Closure Financial Assurance Documentation   | Prior to operations closure                            |

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|---|--|---|---|
| Operating Liability Certification   | Feb 04   | County of San Diego Gregory Canyon Landfill and Recycling Collection Center Ordinance ("Proposition C") | 1994  |
| Section 401 Water Quality Certification<br>Regional Water Quality Control Board   | Prior to commencing construction                     | Section 7 or Habitat Loss Permit<br>U.S. Fish and Wildlife Service                                      | Prior to clearing or grading of riparian habitat        |
| Habitat Loss Permit Rule 4d<br>Department of Planning and Land Use  | Prior to clearing or grading of riparian habitat     | Bridge Permit<br>San Diego County Public Works Department   | Prior to issuance of permits for bridge construction    |
| Streambed Alteration Section 1603 Agreement<br>California Department of Fish and Game   | Prior to issuance of permits for bridge construction | Water Appropriation Permit (if requested and issued)<br>State Water Resources Control Board             | Prior to commencing construction                        |
| Water Course Alteration Permit<br>San Diego County Public Works Department  | Prior to issuance of permits for bridge construction | Encroachment Permit<br>California Department of Transportation  | Prior to commencing construction                        |
| Blasting Permit<br>San Diego County Sheriff's Department  | Prior to commencing construction                     | Relocation Approval<br>Public Utilities Commission  | Prior to relocation of transmission towers and easement |
| Mitigation Monitoring and Reporting Plan  | Feb 06, 2003   | Building Permit<br>San Diego County Department of Planning and Land Use                                 | Prior to commencing construction of on-site structures  |
| Vector Control and Management Plan/Bird Control Policy<br>San Diego County Department of Environmental Health   | Prior to receiving waste                             | Encroachment Permit<br>San Diego County Water Authority   | Prior to commencing construction                        |
| <b>16. Self Monitoring Requirements:</b><br><br>The owner/operator shall submit the results of all self monitoring programs to the Department of Environmental Health as follows:<br>On a quarterly basis: records for January, February, March—due May 1; records for April, May, June—Due August 1; records for July, August, September—due November 1; and records for October, November, December - due February 1. |  |   |   |

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On an annual basis: due November 1 or February 1 as designated by the Department of Environmental Health.

**Program****Report Frequency**

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|---|---------------------|
| a. The owner/operator shall maintain, and keep current, a record of the types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day. These records shall include the final disposition of | Quarterly           |
| b. The owner/operator shall maintain, and keep current, a record of the daily traffic volume, including the number and types of vehicles using the facility per day. These records shall also include the number and type of vehicles hauling       | Quarterly           |
| c. The owner/operator shall maintain, and keep current, a record of the results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the    | Quarterly           |
| d. The owner/operator shall maintain, and keep current, a record of all written complaints regarding this facility, and of the owner/operator's actions taken to resolve these complaints. These records are to be maintained on site for review    | Quarterly           |
| e. The owner/operator shall maintain, and keep current, a record of the results of the landfill gas and structure monitoring program. These records are to be maintained on site for review by the County Department of Environmental               | Quarterly           |
| f. The owner/operator shall submit to the County Department of Environmental Health a summary report of the monitoring data submitted to the Regional Water Quality Control Board.  | Quarterly           |
| g. The owner/operator shall maintain, and keep current, a preventive maintenance program to monitor and promptly repair or correct deteriorated or defective conditions. A copy of this program is to be maintained on site for review by the       | Quarterly           |
| h. The owner/operator shall conduct periodic and routine visual surveys of the landfill property. This survey is to include, but not limited to: fencing, exclusion fencing, sound berms, roads, landfill gas monitoring and collection equipment,  | Quarterly           |
| i. The owner/operator shall maintain and keep current a record of the daily inspections of the geosynthetic blankets used for alternate daily cover. A copy of this record is to be maintained on site for review by the County Department of       | Quarterly           |
| j. The owner/operator shall maintain, and keep current, a record of the wet weather preparedness and winter operations plan. This plan is to be maintained on site for review by the County Department of Environmental Health, at all times.       | Annual – November 1 |
| k. The owner/operator shall develop, maintain, and keep current the fill-sequencing plan for the forthcoming year. This plan is to be maintained on site for review by the County Department of Environmental Health, at all times.                 | Annual – November 1 |

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|---|---|
| k. The owner/operator shall develop, maintain, and keep current the fill-sequencing plan for the forthcoming year. This plan is to be maintained on site for review by the County Department of Environmental Health, at all times.   | Annual – November 1                     |
| l. The owner/operator shall submit an annual report, including all supporting and technical documentation, to the Department of Environmental Health indicating the remaining site capacity (cubic yards and tons). This report is to be maintained on site for review by the County Department of Environmental Health, at all times.  | Annual – February 1                     |
| m. The owner/operator shall maintain and keep current, a plan of the areas of the site that were utilized for disposal. This plan is to be maintained on site for review by the County Department of Environmental Health, at all times.  | Annual – February 1                     |
| n. The owner/operator shall submit an annual report to the Department of Environmental Health indicating the total quantities of wastes (in tons and cubic yards) received during the preceding year, the total remaining refuse capacity (in tons and cubic yards), and a cross-section map showing elevations of all disposal areas. This report is to be maintained on site for review by the County Department of Environmental Health, at all times. | Annual – February 1                     |
| o. The owner/operator shall conduct an annual topographic survey of the entire permitted property. A copy of this report is to be maintained on site for review by the County Department of Environmental Health, at all times.   | Annual – February 1                     |
| p. The owner/operator shall monitor all tire shredding operations and maintain, and keep current all records to ensure noise levels do not exceed residential and wildlife thresholds. A copy of this report is to be maintained on site for review by the County Department of Environmental Health, at all times.   | Annual - February 1                     |
| q. The owner/operator shall maintain, and keep current all records of the periodic and routine monitoring of the landfill perimeter, cover and alternate daily cover material to ensure there are no landfill gas leaks, and provide said report to the County Department of Environmental Health. A copy of this report is to be maintained on site for review by the County Department of Environmental Health, at all times.                           | Annual – February 1                     |
| r. The owner/operator shall monitor landfill settlement at least once every five years and after a seismic event. A copy of this report is to be maintained on site for review by the County Department of Environmental Health, at all times.  | Every 5 years and after a seismic event |

### 17. Local Enforcement Agency Conditions:

References to “MM” or “MMRP” in this permit are to the Mitigation Monitoring and Reporting Plan attached hereto and incorporated by this reference. The MMRP should be consulted when necessary to clarify requirements set out in this permit. The MMRP is also an enforceable part of this permit.

#### A. Standard Requirements

1. The owner/operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in 27 CCR.
2. The owner/operator shall maintain on site at all times up-to-date copies of: 1) this solid waste facility permit; 2) the Joint Technical Document; 3) copy of all other permits issued for the operation of this facility; 4) a copy of the most recent printing of the State Minimum Standards for Solid Waste Handling and Disposal; 5) all records required by regulation in 27 CCR, sections 20510, 20515, and 20517. These documents shall be maintained on

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site for review by the County Department of Environmental Health and other authorized regulatory agencies, at all times.

3. Without prior written approval from the County Department of Environmental Health to allow otherwise, this facility may only operate as described in the current version of the Joint Technical Document.
4. No significant change in design or operation of this facility shall be taken without prior application to and approval by the County Department of Environmental Health. (PRC Section 44004).
5. The owner/operator shall maintain, and keep current, a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, discharge of unusual wastes, tonnage exceedances, activation of the gamma-scintillation counter, significant incidents of personal injury, accidents and/or property damage, all complaints including health or safety nuisance or hazard complaints by the public, regulatory agency inspections, etc. Each log entry shall be accompanied by a summary of any actions taken by the owner/operator to mitigate the occurrence. Notification of a significant special/unusual occurrence to the County Department of Environmental Health shall be both verbal and written and shall be transmitted within 48 hours of the occurrence. The log must be filled in daily; days without incidents shall be noted with an appropriate entry such as: "No special occurrences today". The log shall be maintained on site for review by the County Department of Environmental Health, other regulatory agencies and be available to site personnel at all times.
6. Additional information related to compliance with this permit or the design and/or operation at this facility shall be furnished to the County Department of Environmental Health upon request.
7. The tonnage limits for waste material accepted at this facility are as follows: average daily tonnage is 3,200 tpd averaged on a calendar year basis, with an annual cap of 1,000,000 tons, and with a peak daily tonnage (not to exceed) of 5,000 tpd. The facility shall not receive more than these amounts without a revision of this permit.

Processed green material and geosynthetic blankets are the only alternate daily covers approved by this solid waste facility permit for use at this facility. Processed green materials, that are accepted for and used as alternate daily cover are excluded from these daily tonnage limits provided the following requirements are met: The processed green materials must be identified as alternate daily cover materials and must be inspected and determined to be suitable for cover prior to acceptance. Each load must be weighed, and logged with weight and inspection results. The processed green materials shall be used as alternate daily cover within 7 days of acceptance. The total amount of processed green materials accepted, as alternate daily cover may not exceed 20% of the amount of waste accepted for disposal each day. Other alternate daily cover materials also will not count, provided conditions for the management and use of these materials has been established by the County Department of Environmental Health in a revised solid waste facility permit and an approved Joint Technical Document amendment.

Waste materials that are accepted for diversion are also excluded from these daily tonnage limits provided the following requirements are met: The waste materials must be identified for a specific method of diversion and must be inspected and determined to be suitable for such diversion prior to acceptance. The waste materials must be weighed, and logged with weight, diversion method and inspection results. While on site the waste materials shall be managed in accordance with this permit and any applicable state laws or regulations or California Integrated Waste Management Board policies. The waste materials shall not be stored for more than 30 days prior to diversion.
8. The traffic volume shall be based upon the criteria in Chapter 4.5 of the Environmental Impact Report (SCH #1995061007 certified 2/6/03) and the Joint Technical Document B.1.8.
9. This permit is subject to review by the County Department of Environmental Health and may be suspended, revoked, or revised at any time for sufficient cause.
10. The County Department of Environmental Health reserves the right to modify or suspend waste receiving, handling and/or disposal operations when deemed necessary due to an emergency, a potential public health and safety hazard, or the creation of a public nuisance; or when deemed necessary to rehabilitate or enhance

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the environment or to mitigate adverse environmental impacts.

11. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit or the description of the facility and its operation in the Joint Technical Document is prohibited, unless the Joint Technical Document and if necessary this permit are first revised to allow that change. In no case shall the owner/operator implement any potentially significant change in design or operation without first submitting a written notice of the proposed change, in the form of an Joint Technical Document amendment, to the County Department of Environmental Health at least 180 days in advance of the proposed change. The County Department of Environmental Health will determine whether a permit revision is also required.
12. The owner/operator shall notify the County Department of Environmental Health of any plans to encumber, sell, transfer, or convey the ownership or operations to a new owner or operator, **at least 45 days prior to the anticipated transfer**, by written certification and including information deemed sufficient by the California Integrated Waste Management Board and the County Department of Environmental Health. (PRC Section 44005.).
13. The owner/operator shall provide employee safety facilities as required by CalOSHA regulations.
14. The owner/operator of the landfill shall obtain permits from other regulatory agencies as required by law prior to initiating each affected on-site activity. These may include but are not limited to: San Diego County - Air Pollution Control District, Department of Planning and Land Use, Department of Public Works, Department of Environmental Health; State- Regional Water Quality Control Board, State Water Resource Control Board, Department of Toxic Substance Control, California Fish and Game, Public Utilities Commission; Federal – Army Corp of Engineers and U.S. Fish and Wildlife.
15. The owner/operator shall ensure that cover is applied to the operating face in accordance with 27 CCR Section 20670 *et seq.*
16. The owner/operator shall install and properly maintain a gamma-scintillation counter at the scalehouse facility of the landfill to detect radioactive materials. If the gamma-scintillation counter is activated the owner/operator shall immediately inform the County Department of Environmental Health, Hazardous Materials Division.
17. Within 60 days after commencing construction, the owner/operator shall enter into a Memorandum of Agreement with the County Department of Environmental Health concerning the timely designation and protection as permanent open space, by dedication or easement, of the on-site mitigation areas required to be established by Proposition C and by this permit. This Memorandum will set out how the owner/operator, the County of San Diego, and other interested agencies will coordinate with each other to put these mitigation measures in place on a timely basis. The memorandum shall specify how the owner/operator will provide any necessary financial support for management of these lands, and shall provide that each dedication or easement shall be to the satisfaction of the Department of Environmental Health. This memorandum is not a substitute for any other, more specific, Memorandum of Agreement required under this permit.
18. Prior to any construction work related to the landfill the owner/operator shall provide documentation acceptable to the County Department of Environmental Health as to whether relocation of the First San Diego Aqueduct pipelines is required. If relocation is required, then prior to any construction work related to the landfill the owner/operator shall provide the County Department of Environmental Health with a copy of the executed agreement between Gregory Canyon, Ltd. and the San Diego County Water Authority providing for relocation and protection of the pipelines. MM 4.4-1, MM4.1-3.
19. Prior to each phase of construction the owner/operator shall provide the County Department of Environmental Health with a copy of a Noise Abatement Plan addressing related noise impacts. This plan must include: physical design provisions to ensure that ambient noise levels do not exceed 65 Community Noise Equivalent Level (CNEL) at the boundaries of the site; installation of landfill equipment and vehicles with noise suppressing equipment to assist in meeting the above restrictions; and provisions for at least 24-hour in advance written notice of any blasting on-site to residents within a one-mile radius of the blast site. MM 4.6.C5K.
20. Prior to the acceptance of solid waste at the permitted landfill the owner/operator shall provide the County Department of Environmental Health with a copy of the Odor Control Plan as approved by the San Diego



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County Air Pollution Control District. MM 4.7.C5L.

21. At the commencement of operations, the owner/operator shall provide the County Department of Environmental Health with documentation that all offers of dedication and all fair share contributions for the improvements to SR76 have been made as requested by CalTrans and the San Diego County Public Works Department. MM 4.5-1, MM 4.5-2, MM 4.5-3.
22. Prior to any clearing or grading of southern willow scrub or mule fat scrub, the owner/operator shall provide the County Department of Environmental Health with a copy of the approved Habitat Enhancement Plan for the San Luis Rey River watershed, or with documentation that the involved resource agencies have determined that this plan may be prepared and provided at a later date. MM 4.9-1b, MM 4.9-1c.
23. Prior to brushing or clearing of coastal sage scrub or chaparral (or as otherwise agreed by the County Department of Environmental Health and County Department of Planning and Land Use), the owner/operator shall provide the Department of Environmental Health with documentation to verify recordation of open space easement on the site encompassing the coastal sage scrub and coastal sage scrub/chaparral mitigation areas. MM 4.9-1a.
24. The owner/operator shall ensure the perimeter drainage channels are designed, constructed and maintained to prevent any run-on from entering the refuse area, and that they do not drain into the landfill desiltation basins.
25. Should operations continue after dark, no later than 6:00 pm Monday through Friday and 5:00 pm on Saturday, the operator shall provide additional temporary or permanent lighting facilities, which shall be placed into use to assure employee and customer safety.
26. All reports, written verifications letters and/or copies of documents and plans required as part of the Mitigation Measures and as conditions in this solid waste facility permit that are required to be submitted to the County Department of Environmental Health, shall be submitted immediately upon completion and in no case longer than 30 days after completion.

### **B. Site Specific Requirements**

#### **B. 1. Pre-construction Conditions**

##### **B. 1. a. Required Permits and Funding Agreement**

1. Prior to commencement of any construction activity, the owner/operator shall obtain all other permits required for that activity, including where applicable a County of San Diego grading permit, and a San Diego County Air Pollution Control District Authority to Construct.
2. Within 15 days following issuance of this permit, the owner/operator shall enter into an agreement with the County of San Diego to fully fund all County costs to monitor the landfill and to enforce this permit (including the attached MMRP), to defend and indemnify the County, and to provide access to the owner/operator's property and records for monitoring and enforcement purposes.

##### **B. 1. b. Biology Resources**

1. Prior to commencement of operation of the landfill, the owner/operator shall either dedicate 1,313 acres of the site as permanent open space or create a permanent open space easement consisting of not less than 1,313 acres for long-term preservation of sensitive habitat and species, including coastal sage scrub, coast live oak woodlands, and cottonwood-willow riparian forests. The owner/operator shall convey or dedicate this land or easement in perpetuity and provide funding for management of these lands to the satisfaction of the County of San Diego. With the approval of the County dedication and easement may be used in combination for different areas of land. The owner/operator shall provide a copy of the recorded fee conveyance or open space easement to the County Department of Environmental Health. MM 4.1-2
2. Prior to commencement of brushing or clearing of coastal sage scrub and coastal sage scrub/ chaparral, or at a point in time determined appropriate through consultation with County Department of Environmental Health and Department of Planning and Land Use, the owner/operator shall verify the recordation of open space easements or dedications on-site encompassing the coastal sage scrub and coastal sage scrub/ chaparral

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mitigation areas. Impacts to coastal sage scrub and coastal sage scrub/chaparral shall be mitigated at a minimum ratio of 2:1 through on-site preservation of coastal sage scrub and coastal sage scrub/chaparral in protected or dedicated open space. A total of 445.8 acres shall be required for mitigation, including 88.2 acres of coastal sage scrub/chaparral and 357.6 acres of coastal sage scrub. To satisfy the coastal sage scrub/chaparral requirement, coastal sage scrub shall be utilized. The mitigation acres shall be preserved in perpetuity as on-site open space. MM 4.9-1a

3. Prior to commencement of clearing or grading of the southern willow scrub and mule fat scrub or as otherwise determined in consultation with U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use, a mitigation plan shall be prepared by the owner/operator's biologist. Impacts to southern willow scrub and mule fat scrub shall be mitigated by the creation of in-kind habitats on the landfill site in dedicated open space. A mitigation ratio of 4:1 shall be used. A total of 10.4 acres shall be required for mitigation including 9.6 acres of southern willow scrub and 0.8 acre of mule fat scrub. The habitat creation can occur in the locations for riparian habitat creation shown on Exhibit 4.9-5 (FEIR). Habitat creation of southern willow scrub and mule fat scrub shall occur at the ratio specified herein, such that "no net loss" of habitat is achieved, in areas that would not be affected by noise levels equal to or greater than 60 dB(A) Leq and that are part of the dedicated open space on-site. Conditions to be met shall include the preparation of a detailed mitigation plan, final landscape construction documents, Army Corp of Engineers /California Department of Fish and Game permit approval, and installation, maintenance, and long term monitoring of the mitigation areas. The mitigation plan shall be developed and submitted to the Army Corp of Engineers and California Department of Fish and Game for approval. The implementation of the mitigation shall be prior to or concurrent with construction or as otherwise determined in consultation with the U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. Plan implementation will be field verified by the owner/operator's biologist with a report and a copy of the southern willow scrub and mule fat scrub mitigation plan submitted to U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-1b
4. Prior to commencement of brushing or clearing a habitat enhancement plan shall be prepared by the owner/operator's biologist and provided to the U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. Impacts to 0.8 acre of open channel shall be mitigated through implementation of the habitat enhancement plan listed in Block 15 of this permit and described in MM 4.9-18 to restore habitat in the San Luis Rey River watershed on-site. MM 4.9-1c
5. Prior to commencement of clearing or grading of the coast live oak woodland or as otherwise determined in consultation with the County, the owner/operator shall provide copies of the recorded open space easement or dedication, for on-site and for parcel(s) off-site, encompassing the oak woodland mitigation area(s) to the California Department of Fish and Game, County Department of Environmental Health and Department of Planning and Land Use. If on-site habitat creation is implemented, the owner/operator's biologist shall prepare a coast live oak woodland mitigation plan. Impacts to 27.0 acres of coast live oak woodland (some of which includes Engelmann oaks and is state jurisdictional habitat) shall be mitigated at a 3:1 ratio through on-site preservation of 30.0 acres of in-kind habitat in dedicated open space off-site acquisition of a minimum of 51.0 acres of in-kind existing coast live oak woodland or a combination of preservation/acquisition and 5.9 acres of habitat creation to ensure a "no net loss" of state jurisdictional habitat. Within the 51.0-acre off-site mitigation parcel, the species-specific mitigation for Engelmann oaks shall be met, if possible (see MM 4.9-2). If an increase in on-site preservation occurs, the amount of off-site habitat acquisition shall be reduced accordingly. If on-site creation is required, the amount of off-site habitat acquisition shall be reduced accordingly. The off-site acquisition shall occur in an unincorporated area of San Diego County. The habitat creation shall be implemented to the satisfaction of the County and the California Department of Fish and Game in accordance with Section 1600 of the State Fish and Game Code. A conservation easement shall be placed across the off-site mitigation area to permanently protect the resource. If possible, individual oak trees shall be salvaged from impact areas and transplanted to appropriate open space habitat on-site. The implementation of the mitigation shall be prior to or concurrent with construction or as otherwise determined in consultation with the County and the California Department of Fish and Game. Plan implementation shall be field verified by the owner/operator's biologist with a report and a copy of the coast live oak woodland mitigation plan submitted to California Department of Fish and Game, County Department of Environmental Health and County Department of

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6. Prior to or concurrent with construction or as determined in consultation with the County, the owner/operator shall provide copies of the recorded open space easement, for off-site parcel(s) encompassing native perennial grassland, to County Department of Environmental Health and County Department of Planning and Land Use. The owner/operator's biologist shall prepare a native perennial grassland mitigation plan. Impacts to 0.2 acre of native perennial grassland shall be mitigated at a ratio of 2:1 by the acquisition of 0.4 acre of in-kind habitat in an unincorporated area of San Diego County, and a conservation easement shall be placed across the mitigation area to permanently protect the resource. Acquisition of grassland habitat shall occur as part of the acquisition of coast live oak woodland habitat (MM 4.9-1d) or Engelmann oak habitat (MM 4.9-2), if possible. The implementation of the mitigation shall be prior to or concurrent with construction or as determined in consultation with the County. Plan implementation shall be field verified by the owner/operator's biologist with a report and a copy of the native perennial grassland mitigation plan submitted to County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-1e
7. Prior to commencement of brush clearing or grading, the owner/operator shall ensure temporary construction fencing is erected under the supervision of a qualified biologist outside the delineated boundary of designated open space where it interfaces with impact areas and that permanent fencing marked with signs is installed around the mitigation areas, which shall be field verification by the owner/operator's biologist. Where impact areas are adjacent to coast live oak woodland, fencing shall be erected outside the canopy area at a distance of 1.5 times the canopy radius of the outer trees. The fencing (for example, strand wire or split rail) shall restrict human and equipment access but shall allow for wildlife movement. A letter from the owner/operator's biologist verifying compliance shall be provided to the County Department of Environmental Health and Department of Planning and Land Use. MM 4.9-1f
8. In addition to the riparian habitat creation in MM 4.9-1b, the owner/operator shall ensure implementation of the Habitat Enhancement Plan as described in MM 4.9-18 is undertaken to mitigate impacts to arroyo southwestern toad riparian breeding habitat. MM 4.9-3a
9. Prior to commencement of construction for the bridge, in consultation with U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use, the owner/operator shall ensure the construction contract will prevent the removal of arroyo southwestern toad riparian breeding habitat (i.e. riparian vegetation clearing and channel excavation) except from October through December, to minimize potential impacts to breeding adults (including potential sedimentation impacts to the arroyo southwestern toad eggs) and dispersing juveniles. MM 4.9-3b
10. Prior to the commencement of construction for the bridge, the owner/operator biologist will conduct a field verification of the preservation of approximately 243 acres of sandy upland habitat adjacent to the arroyo southwestern toad-breeding habitat on-site and to approximately 970 acres of other upland habitats. Written field verification from the owner/operator's biologist shall be provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-4
11. Prior to commencement of construction of the bridge, the construction zone for the bridge shall be fenced with exclusion fencing to prevent arroyo southwestern toad access to the construction zone. The fencing shall be a silt-screen type barrier comprised of a minimum 24-inch high fence with the remainder (minimum 12 inches) anchored firmly against the ground. The fence may be buried if necessary to exclude arroyo southwestern toad access. The fence locations shall be identified by a qualified biologist and adjusted as necessary. A letter based on field verification from the owner/operator's biologist verifying compliance shall be provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. Exclusion fencing shall be monitored daily by a qualified biologist, and maintained in its original condition by construction personnel for the entire length of the construction period. MM 4.9-5a
12. Prior to commencement of construction, and following the installation of the fencing to prevent arroyo southwestern toad access to the construction zone, a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad shall conduct a minimum of three arroyo southwestern toad surveys within the construction zone for the bridge. Field verification from the owner/operator's biologist shall be

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provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. Daily surveys shall be conducted each morning prior to construction activity. Any arroyo southwestern toads found shall be relocated by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad to appropriate similar habitat outside project impact areas and in dedicated open space. MM 4.9-5b

13. At the time of access road construction, the owner/operator shall ensure that the arroyo southwestern toad exclusion fencing is installed along both sides of the access road for its entire length (except where sides of bridge act as barrier) as part of access road construction. The same exclusion fencing shall also wrap around the northern edge of the facilities area and continue east and south around the 1.8-acre desiltation basin. The fencing shall continue until the topography on the east side of the landfill footprint becomes too steep or rocky for the arroyo southwestern toad as determined by a qualified biologist. The fencing shall be of a corrugated metal or other similar durable material and shall be a minimum of 24 inches high. Field verification and a written report verifying compliance shall be provided to the County Department of Environmental Health or County Department of Planning and Land Use. MM 4.9-5c
14. A minimum of three surveys shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad, following installation of the exclusion fencing along the access road and prior to access road use. Any arroyo southwestern toads found shall be relocated by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad to appropriate similar habitat outside project impact areas and in dedicated open space. MM 4.9-5d
15. Following installation of exclusion fencing to prevent arroyo southwestern toad access, around the facilities area and desiltation basin, the owner/operators' biologist, permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad shall conduct a minimum of three surveys as described in MM 4.9-5c. Up to three additional surveys shall be conducted if favorable temperature and moisture conditions for arroyo southwestern toad activity have not already occurred during the first three surveys. Any arroyo southwestern toads found shall be relocated by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad to appropriate similar habitat outside project impact areas and in dedicated open space. Field verification and a written report verifying compliance from the U.S. Fish and Wildlife Service permitted biologist shall be provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-5e
16. The owner/operator shall ensure that exclusion fencing, to prevent arroyo southwestern toad access, of the material and design described in MM 4.9-5c is installed on the north side of the haul road to Borrow/Stockpile Area A. The fencing shall be installed prior to initial project construction and shall be removed when initial project construction is complete, and the haul road is no longer in use. The exclusion fencing shall be re-installed prior to the use of Borrow/Stockpile Area A, which begins again in approximately year 25. The fencing shall be removed once the landfill is completely closed and the haul road is no longer in use. Written field verification of compliance shall be provided to the County Department of Environmental Health or County Department of Planning and Land Use. MM 4.9-5g
17. A minimum of three surveys shall be conducted by a biologist, permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad, following installation and re-installation of the exclusion fencing along the access road to Borrow/Stockpile Area A prior to its use. Up to three additional surveys shall be conducted during the use period if favorable temperature and moisture conditions for arroyo southwestern toad movement have not already occurred during the three original surveys. Any arroyo southwestern toads found shall be relocate by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad to appropriate similar habitat outside project impact areas and in dedicated open space. Field verification and a written report verifying compliance from the U.S. Fish and Wildlife Service -permitted biologist shall be provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-5h
18. The owner/operator shall ensure that exclusion fencing to prevent arroyo southwestern toad access, of the material and design described in MM 4.9-5c is installed along both sides of the low-flow crossing until the road connects with the haul road described in MM 4.9-5g. The fencing shall be installed during initial project construction and shall be removed when initial project construction is complete, and the crossing is no longer in use. A minimum of three surveys shall be conducted by a biologist permitted by the U.S. Fish and Wildlife

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Service to handle the arroyo southwestern toad following installation of the fencing, and daily surveys shall be conducted each morning prior to use of the low-flow crossing. Any arroyo southwestern toad found shall be relocated by a biologist permitted by the U.S. Fish and Wildlife Service to handle the arroyo southwestern toad to appropriate similar habitat outside project impact areas and in dedicated open space. Field verification and a written report verifying compliance shall be provided to the U.S. Fish and Wildlife Service, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-5I

19. Prior to ground disturbance, the owner/operator shall ensure that Habitat Enhancement Plan described in MM 4.9-18 is implemented. The final Habitat Enhancement Plan shall include precautions where possible to avoid impacts to the arroyo southwestern toad. MM 4.9-6
20. Prior to ground disturbance, the owner/operator shall ensure that, the northernmost San Diego Gas & Electric transmission tower is replaced during the period of July through October to avoid the golden eagle breeding season. MM 4.9-8
21. Prior to ground disturbance, the owner/operator shall ensure that access to the Gregory Canyon golden eagle nesting site(s) shall be restricted to eagle specialists and researchers conducting monitoring. MM 4.9-9a
22. The owner/operator shall ensure that prior to ground disturbance, a pre-construction survey for the golden eagle pair has been conducted to determine if and where the golden eagles are nesting on-site. An eagle specialist shall conduct weekly monitoring of the golden eagle pair during the breeding season (December through May) to confirm the eagle pair is exhibiting reproductive behavior patterns, such as nest building. After one year of construction activity, if the monitoring determines that the golden eagles have abandoned the site, the owner/operator shall create a habitat acquisition fund for purchase and preservation of off-site known or potential golden eagle nesting habitat or shall purchase an equivalent amount of golden eagle nesting habitat to be included in the Multiple Species Conservation Plan Preserve. The amount of funding or habitat purchase shall be negotiated with the County. MM 4.9-9b
23. Removal of any riparian habitat shall only occur from October through December to avoid the breeding seasons of the least Bell's vireo and southern willow flycatcher and to minimize potential impacts to the arroyo southwestern toad. The owner/operator shall ensure that prior to commencement of clearing or grading of riparian habitat a mitigation plan prepared by the owner/operator's biologist shall be submitted for review and approval to the U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-11a
24. The owner/operator shall ensure that impacts to least Bell's vireo and southern willow flycatcher habitat be mitigated through riparian habitat creation as described under MM 4.9-1b.
25. The owner/operator shall provide funding for cowbird trapping along the San Luis Rey River on the project site for a period of five years from initial landfill operation. A written report prepared by the owner/operator's biologist or the land manager of the 1,313 acres of open space shall be submitted annually to the California Department of Fish and Game, U.S. Fish and Wildlife Service MM 4.9-11c
26. The owner/operator shall ensure that prior to construction, a total of 4.8 acres of least Bell's vireo and southern willow flycatcher habitats (0.2 acre of cottonwood-willow riparian forest, 0.8 acre of mule fat scrub, and 3.8 acres of southern willow scrub) be created on the landfill site by dedication or easement as open space, in an area that would not be affected by noise levels equal to or greater than 60 dB(A) Leq (Exhibit 4.9-5 FEIR) in conjunction with that created on-site for direct impacts as described in MM 4.9-1b and MM 4.9-1c. Noise testing results by owner/operator's noise specialist shall be provided to the U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-14a
27. Prior to construction, the owner/operator shall purchase and conserve in perpetuity 4.6 acres of off-site least Bell's vireo and southern willow flycatcher habitat that would not be affected by noise levels of 60 dB(A) Leq or greater as a result of project-generated or cumulative traffic. A conservation easement shall be placed across the off-site mitigation area to permanently protect the least Bell's vireo and southern willow flycatcher habitat.

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The implementation of the mitigation shall be prior to or concurrent with construction or as otherwise determined in consultation with the County. Noise testing results by owner/operator's noise specialist shall be provided to the U.S. Fish and Wildlife Service, Army Corps of Engineers, California Department of Fish and Game, County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-14b

28. The owner/operator shall ensure that all sensitive species and habitat impacted by the Project be mitigated in accordance with requirements imposed by the United States Fish & Wildlife Service as part of the Section 7 consultation. MM 4.9.C5N
29. In order to mitigate visual impacts associated with the project, the owner/operator shall employ extensive use of landscaping emphasizing native vegetation, and rounding/undulation of slopes on the refuse column and changes in slope angles. A licensed landscape architect in the State of California shall perform all landscaping. This licensed landscape architect shall prepare a detailed landscape plan designed to minimize visual impacts associated with the project to the maximum feasible extent. The owner/operator shall ensure the visual impact mitigation plan and landscape plan prepared by the licensed architect is properly implemented. Written verification on compliance is to be submitted to the County Department of Environmental Health. MM 4.13.C5O
30. Prior to commencement of construction, a pre-construction meeting shall take place with a qualified biologist and construction personnel. The biologist shall explain the access restrictions on-site, the importance of remaining within construction zones, the sensitivity of the habitats and species on-site, and shall explain the potential consequences of violating the access restrictions and impacting biological resources outside the construction zones. Any accidental impacts to sensitive habitat occurring outside the designated impact area shall be mitigated at a 3:1 ratio. A letter from the owner/operator's biologist and contractor(s) verifying receipt of biological information shall be provided to the County Department of Environmental Health prior to commencement of construction. MM 4.9a
31. The owner/operator shall ensure that all impacts to potential arroyo southwestern toad upland habitat from the relocation of the pipelines be mitigated through the Wetland Mitigation and Habitat Enhancement Plan identified in Block 15 of this permit. The Wetland Mitigation and Habitat Enhancement Plan is plan is to be implemented as part of the landfill project. MM 4.9-19e
32. The owner/operator shall ensure that during pipeline relocation, the pipeline easement is fenced at all points within two kilometers of the San Luis Rey River with exclusion fencing to prevent arroyo southwestern toad access to the construction zone. The fencing shall be a silt-screen type barrier comprised of a minimum 24-inch high fence with the remainder (minimum 12 inches) anchored firmly against the ground. The fence may be buried if necessary to exclude toad access. The fence locations shall be identified by a qualified biologist and adjusted as necessary. Exclusion fencing shall be monitored by a qualified biologist and maintained in its original condition by construction personnel for the entire length of the construction period. MM 4.9-19g
33. Prior to commencement of construction in the area of Engelmann oak or at a point in time as determined appropriate through consultation with the County of San Diego, the owner/operator shall ensure a 3:1 minimum replacement acreage (based on canopy area) of Engelmann oak trees be preserved, within the same acquisition parcel for coast live oak woodland, if possible (see MM 4.9-1d). Otherwise, a separate acquisition of Engelmann oak trees at a 3:1 minimum replacement acreage shall be required in an unincorporated area of San Diego County. This acreage shall then be subtracted from the coast live oak woodland mitigation requirement (MM 4.9-1d) to avoid duplicate mitigation. A conservation easement shall be placed across the off-site mitigation area to permanently protect the resource. The implementation of the mitigation shall be prior to or concurrent with construction or as otherwise determined in consultation with the County. A letter from owner/operator's biologist verifying compliance shall be provided to the County Department of Environmental Health and County Department of Planning and Land Use. MM 4.9-2

### **B. 1. c. Cultural/Paleontological Resources**

1. Prior to issuance of the grading permit by the County, the owner/operator shall retain a qualified paleontologist (or paleontological monitor) to monitor excavations on-site and during the construction of the bridge footings and roads. The owner/operator shall submit a letter to the County identifying the paleontologist prior to grading. Initially monitoring shall occur eight hours per week (e.g., two four-hour days or four two-hour days) during earthmoving activities in the Quaternary Alluvium. (This earthwork is to occur during construction of the bridge footings and roads and the excavation of the borrow sites.) The contractor shall notify the qualified

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paleontologist at the time such activities will be initiated so that a monitor can be present. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.) The owner/operator shall submit a letter to the County Department of Environmental Health identifying the monitor. The monitor shall prepare and provide weekly letters to the County Department of Environmental Health. MM 4.10-1a

2. Prior to project activity occurring at the cemetery, the owner/operator shall remove the cemetery by excavation of burials and rebury in a nearby active cemetery. Exhumation and re-interment of all remains from this cemetery shall be conducted in accordance with Section 7050.5 of the California Health and Safety Code. MM 4.11-1
3. Prior to commencement of any construction activities, the owner/operator shall have a registered, professional archaeologist who is approved by the County and, if appropriate, a Native American monitor who is selected from a list of suitable candidates obtained from the Native American Heritage Commission, provide measures to ensure the avoidance of impacts to known significant/CR-eligible cultural sites that could be indirectly affected by the proposed project (including: CA-SDI-683; CA-SDI-744B/12,584 A and B; CA-SDI-12,585; CA-SDI-14,609; and CA-SDI-14,610H). Such measures, which would serve to prohibit access to these sites, may include fencing, barricades, or remote monitoring devices. These devices shall be installed by the owner/operator prior to disturbance in the area of the above sites. MM 4.11-3
4. Prior to the issuance of final grading plan, the owner/operator shall ensure the, the archaeologist and, if appropriate, the Native American monitor, implement a monitoring program to the satisfaction of the County's Director of Planning and Land Use. The requirements of the monitoring program shall be clearly noted on the final grading or improvement plan. The owner/operator shall ensure the monitor(s) attend a pre-grading meeting with the contractors to explain and coordinate these requirements as they pertain to these significant/CR-eligible cultural sites. The owner/operator shall ensure all site workers shall be informed in writing of the restrictions and procedures of the program. MM 4.11-3
5. Prior to the initial grading the owner/operator shall ensure the archaeologist and, if appropriate, the Native American monitor, monitor the initial grading and ground surface preparation on all previously undisturbed areas. Concurrent to the monitoring of grading, the monitor(s) shall identify and evaluate whether adverse impacts (e.g., erosion, looting, vandalism, etc.) have occurred at any of these sites. In the event that monitoring reveals deteriorating conditions at any of the significant/CR eligible cultural sites, the County archaeologist shall be consulted and the appropriate site preservation and/or data recovery efforts shall be implemented. Such efforts could include implementation of erosion control measures, capping of the affected portion of the site, or planting of native vegetation. If the monitor(s) determine that deterioration has resulted from landfill operations, a change in operational methods may be required. Upon completion of earth disturbing activities, the archaeological monitor shall prepare a report. The report shall include the results of the fieldwork and all appropriate laboratory and analytical studies that were performed in conjunction with any resource excavation that may have been performed. Such analyses could include radiocarbon dating, hydration and sourcing analysis, and mass spectrometer and thin sectioning, as appropriate. The report shall be submitted to the County's Director of Planning and Land Use for review and approval prior to operation of the project and a copy shall be submitted to the County Department of Environmental Health. MM 4.11-3
6. Prior to commencement of operation of the landfill and as partial fulfillment of MM 4.1-2, the owner/operator shall either dedicate the portion of the site east of the landfill footprint and relocated SDG&E easement including the western slopes and the top of Gregory Mountain, as permanent open space or execute and convey a permanent open space easement over this area. The conveyance or dedication shall be to the satisfaction of the County and in accordance with the requirements set out in condition 17.A.17 of this permit. MM 4.12-1a
7. Prior to commencement of operation of the landfill the owner/operator shall execute and record an access easement to the Pala Band of Mission Indians from the western boundary of the land owned by the Pala Band of Mission Indians to the summit of Gregory Mountain. The access easement shall grant the Pala Band of Mission Indians the right to walk or hike only within the access easement area. MM 4.12-1b
8. Should the Pala Band agree, the owner/operator shall, upon commencement of operation of the landfill, pay to the Pala Band of Mission Indians a fixed dollar amount as determined below. Such amount shall be used by the

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Pala Band to implement measures to enhance and improve access to Gregory Mountain from the Pala Reservation. Such measures may include, but are not limited to, a new footpath, clearing of an existing footpath, or the marking of new footpath trail as determined by Pala in its sole discretion. Such dollar amount shall be equal to the estimated cost of restoring the footpath that previously existed from the eastern base of Gregory Mountain to the top of the mountain. This estimate shall be obtained by the owner/operator from a company experienced in restoring footpaths. MM 4.12-1c

9. In addition to the construction of the trail, should the Pala Band agree, the owner/operator shall provide funding as needed for the annual maintenance of the trail from the eastern base to the top of the mountain during the operational life of the landfill. MM 4.12-1d
10. Impacts to Native American resources impacted by the project shall be mitigated through the development of a Memorandum of Agreement between the owner/operator and the appropriate regulatory agencies, if required under federal law in accordance with Section 106 of the National Historic Preservation Act. MM 4.11.C5P & MM4.12.C5P
11. To mitigate archaeological impacts caused by the project, the owner/operator shall retain a qualified archaeologist to investigate and recommend appropriate mitigation measures. These mitigation measures shall be implemented by the owner/operator. MM 4.11.C5P & MM4.12.C5P

### **B. 1. d. Design/Engineering**

1. Prior to final design, the bridge abutment design specifications shall indicate that gaps in the riprap be filled with concrete. MM 4.9-7
2. All structures located at the site shall be designed by a qualified engineer to withstand the maximum probable earthquake, to avoid potential impacts associated with earthquakes and ground shaking. MM 4.2.C5H

### **B. 1. e. Dust Control**

1. Prior to ground disturbance, the owner/operator shall submit a Dust Control Plan to the San Diego County Air Pollution Control District for review and approval. A copy of this approval and the Dust Control Plan shall be submitted to the County Department of Environmental Health. FEIR 3.5.8, MM 4.7.C5M

### **B. 1. f. General**

1. The owner/operator shall establish a Citizen Environmental Review Board as required in Proposition C (Section 5Q), by agreement between the owner/operator and the cities or other governmental entities agreeing to supply waste to the Project. The members of such Board shall be appointed by each such city or entity and shall be individual citizens who are not employees or officials of such city or entity. The Board shall have the authority to inspect and review all reports submitted by the Project to any other regulatory agency and to make recommendations to any such regulatory agency with respect to the operation of the Project, including any enforcement actions the Board may deem appropriate. The Board shall establish an environmental review team consisting of qualified personnel to monitor the operations of the landfill which team shall have reasonable access to the landfill during all hours of operation of the landfill. MM4.1.C5Q
2. The owner/operator shall establish a Citizen Environmental Review Board as required in Proposition C (Section 5Q). The owner/operator shall provide written verification to the County Department of Environmental Health after at least five public agencies have executed waste supply agreements with the operator. MM 4.1-1

### **B. 1. g. Noise Control**

1. Prior to commencement of construction, the owner/operator shall prepare a Noise Abatement Plan to include: physical design provisions to ensure that ambient noise levels do not exceed 65 CNEL at the boundaries of the Gregory Canyon site; installation of landfill equipment and vehicles with noise suppressing equipment to assist in meeting the above restrictions; and provisions for at least 24-hour in advance written notice of any blasting on-site to residents within a one-mile radius of the blast site. Where ambient noise levels exceed 65 CNEL at the boundaries of the Gregory Canyon site, the owner/operator shall retain a qualified noise expert to evaluate the problem and recommend mitigation measures. A copy of the Noise Abatement Plan shall be submitted to the County Department of Environmental Health. MM 4.6.C5K



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## **B. 1. h. Odor Control**

1. Prior to the acceptance of solid waste, the owner/operator shall submit an Odor Control Plan to the San Diego County Air Pollution Control District for review and approval. A copy of this approval and of the Odor Control Plan shall be submitted to the County Department of Environmental Health. MM 4.7.C5L

## **B. 1. i. Traffic Control**

1. Prior to acceptance of solid waste, the owner/operator shall conduct a structural analysis of SR 76 and determine the structural requirements along SR 76 from the Rosemary's Mountain Palomar Aggregates project to the proposed landfill entrance to determine whether the existing foundation can accommodate anticipated heavy truckloads. The owner/operator shall obtain certification from CalTrans for adequate pavement surface to be enforced by the County Department of Public Works. This analysis shall not be extended west of the I-15 ramps if the Palomar Aggregates project does not go forward. Construction of the recommended pavement improvements, consistent with CalTrans requirements shall be implemented prior to operation of the landfill, if determined necessary, and fair share contribution made by the owner/operator. A written report by the owner/operator's traffic consultant shall be submitted to CalTrans and the County Department of Public Works. Field inspections shall be conducted if improvements are necessary. MM 4.5-1

## **B. 1. j. Water Resources**

1. Prior to commencing any construction work, the owner/operator shall provide the County Department of Environmental Health a copy of the executed agreement between Gregory Canyon, Ltd. and the San Diego County Water Authority providing for relocation and protection of the San Diego Aqueduct pipelines. MM 4.1-3
2. Prior to the commencement of Phase I construction project grading, the owner/operator shall provide the San Luis Rey Municipal Water District and other parties to the pipeline relocation agreement, with an irrevocable letter of credit in accordance with Section 9 and Exhibit C of the Water Supply Mitigation Agreement between those parties. The Letter of Credit shall be automatically renewed annually. MM 4.3-1d
3. Prior to commencement of project operation, the Owner/operator shall establish, maintain, and administer a trust fund or third party custodial account for the benefit of the San Luis Rey Municipal Water District and other parties in accordance with Section 9 and Exhibit C of the Water Supply Mitigation Agreement. MM 4.3-1e
4. If relocation of the First San Diego Aqueduct pipelines is implemented, the owner/operator shall design and engineer the relocation so that no flood related impacts to the pipelines would occur, in accordance with San Diego County Water Authority approval. Alternately, the relocation shall be adjusted to avoid placement of the pipelines within the 100-year floodplain. MM 4.4-1

## **B. 2. Construction Conditions**

### **B. 2. a. Air Quality**

1. The owner/operator shall ensure the construction contractor maintains construction equipment engines by keeping them tuned in accordance with manufacturers specifications. MM 4.7-1
2. The owner/operator shall ensure the construction contractor only utilizes diesel fuel, blended to be used in California, in heavy-duty vehicles and equipment. MM 4.7-1
3. The owner/operator shall ensure the construction contractor only employs construction equipment that meets California Exhaust Emission Standards for Post-1996 Off-Road Compression-Ignition Engines. MM 4.7-1
4. Construction of the landfill shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J

### **B. 2. b. Biology Resources**

1. At least one road undercrossing shall be installed in the fill beneath the access road north and south of the river. The U.S. Fish and Wildlife Service shall approve the design of the under crossings. MM 4.9-5f

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2. Initial landfill construction activity less than 2,000 feet from the golden eagle's nest shall begin as close as possible to the end of the golden eagle breeding season in June to allow the golden eagle pair on-site to become conditioned to the activity prior to the next breeding season starting in December. MM 4.9-9c
3. The southernmost San Diego Gas & Electric transmission tower shall be moved during the period of June through November or at any time when the golden eagle nest is not active. Likewise, any raptor nest removal shall only occur when the nest is inactive. A qualified biologist shall determine whether or not a raptor nest is active. MM 4.9-10
4. The low-flow crossing shall only be used between September 15 and March 15. Use of the crossing could occur outside of that time period if daily monitoring by a qualified biologist determines that least Bell's vireos and southern willow flycatchers have not yet arrived on-site or have migrated out of the area early, or if operational changes can be made and/or barriers designed by an acoustician can be installed prior to March 15 to reduce noise levels to less than 60 dB (A) Leq in the least Bell's vireo and southern willow flycatcher habitat. Daily noise monitoring shall be conducted in accordance with MM 4.9-12a and noise reduction measures contained in MM 4.9-12a shall be implemented, if necessary. Noise analysis prepared by owner/operator's noise specialist shall be provided to the County Department of Environmental Health. MM 4.9-12b
5. Bridge construction shall only occur between September 15 and March 15 unless daily monitoring by a qualified biologist during the breeding season determines that least Bell's vireo and southern willow flycatcher have not yet arrived on-site or have migrated out of the area early or if operational changes can be made and/or barriers designed by an acoustician can be installed prior to March 15 to reduce noise levels to less than 60 dB(A) Leq in the least Bell's vireo and southern willow flycatcher habitat. Daily noise monitoring shall be conducted in accordance with MM 4.9-12a and noise reduction measures contained in MM 4.9-12a shall be implemented, if necessary. Noise analysis prepared by owner/operator's noise specialist shall be provided to the County Department of Environmental Health. MM 4.9-12c
6. Mitigation activities shall only occur between September 15 and March 15 unless operational changes can be made and/or barriers designed by an acoustician can be installed prior to March 15 to reduce noise levels to less than 60 dB(A) Leq in the least Bell's vireo and southern willow flycatcher. Daily noise monitoring shall be conducted between March 15 and September 15 to verify that the measures are effective. If the 60 dB(A) Leq is exceeded, the acoustician shall work with the contractor to make additional operational changes or to install additional barriers that would reduce noise to less than 60 dB(A) Leq. Noise analysis prepared by owner/operator's noise specialist shall be provided to the County Department of Environmental Health. MM 4.9-13
7. A temporary 12-foot high wall or berm shall be constructed along the northern edge of Borrow/Stockpile Area A outside the least Bell's vireo and southern willow flycatcher breeding season (March 15 to September 15) and prior to the use of Borrow/Stockpile Area A. The barrier can be removed once topography provides the necessary noise barrier to reduce noise levels in the habitat during the breeding seasons to less than 60 dB(A) Leq. Prior to construction the design of the noise barrier must be submitted to and approved by the County. MM 4.9-15a
8. Control of invasive, exotic plant species shall occur as described in the Habitat Enhancement Plan identified in Block 15 of this permit and described in MM 4.9-18, and shall include the channel excavation area associated with construction of the bridge. MM 4.9-17a
9. Temporary and permanent slopes shall be revegetated with native plant species to inhibit the growth of non-natives species. MM 4.9-17b
10. The owner/operator shall implement the Habitat Enhancement Plan to improve the San Luis Rey River watershed on-site as described below: beyond the mitigation obligation associated with compensating for direct and indirect project impacts to vegetation communities, the owner/operator shall be required to implement a habitat enhancement program for improvements to the San Luis Rey River watershed. In addition to the required open space dedication or easement (1,313 acres), the owner/operator shall restore approximately 88 acres of upland and 13 acres of riparian area within the portion of the San Luis Rey River corridor contained on-site (Exhibit 4.9-5 FEIR). The restoration will likely be phased and not occur all at one time. The Habitat

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Enhancement Plan shall focus on the restoration of riparian and upland habitats within the San Luis Rey River floodplain on-site above and beyond the project's direct mitigation obligations for vegetation community impacts. MM 4.9-18

11. The San Luis Rey River has been identified as one of the most easily restorable rivers in southern California (ACOE 1981). This portion of the Habitat Enhancement Plan shall consist of the restoration of lost and/or damaged habitat and water quality caused by the long-term agricultural use of the property and the removal of highly invasive, exotic plant species. Under this Habitat Enhancement Plan, man-made berms and weed seed banks in the river's watershed shall be excavated to restore more historic river flows and invasive, non-native plant species would be replaced with native plantings. The excavation shall be focused on bringing the ground elevations down to level that would connect the areas hydrologically with the existing groundwater system and to create a series of terraces that taper into the existing upland habitat. All upland and drier riparian areas shall be planted with tree species native to the site and hand-seeded to initiate native plant re-establishment. Weed control and monitoring shall be implemented regularly during the first five years of each phase of restoration to prevent the re-establishment of non-native plant species. The goal of the restoration shall be to provide breeding and upland habitat for endangered species and widen the vegetative buffer around the riparian corridor present on-site. The dedicated open space on-site, including the restored river corridor, shall be managed with a financial contribution provided by the owner/operator. The owner/operator shall work with the U.S. Fish and Wildlife Service and the California Department of Fish and Game to identify a qualified conservancy or other non-profit organization to be responsible for implementing long-term management activities for the restored river. The type of management activities shall depend upon the condition of the site, the resources present, and the funds available to manage those resources. Management activities shall include restrictions on vehicular and human access through the installation of fencing and signs, control of exotic species [e.g., brown-headed cowbirds and giant reed (*Arundo donax*)], control of illegal dumping, and monitoring endangered species populations. MM 4.9-18
12. The pipeline construction easement (minus permanent access road) shall be revegetated with coastal sage scrub immediately following completion of the pipeline relocation on the landfill site. The landscape plans shall incorporate this revegetation requirement. MM 4.9-19a
13. Prior to commencement of brushing or clearing of coastal sage scrub and coastal sage scrub/chaparral, or at a point in time determined appropriate through consultation with the applicable regulatory agencies, coastal sage scrub shall be mitigated at a 2:1 ratio by the preservation of 19.0 acres of coastal sage scrub in designated open space on the landfill site. Verification of recordation of open space easement or dedication on-site encompassing the coastal sage scrub and coastal sage scrub/chaparral mitigation areas shall be provided to the County Department of Environmental Health and Department of Planning and Land Use. MM 4.9-19b
14. Prior to commencement of clearing or grading of the coast live oak woodland, or as otherwise determined in consultation with the County, the owner/operator shall complete the recording of a permanent open space easement on-site and for a parcel(s) off-site encompassing the oak woodland mitigation area(s). If on-site habitat creation is implemented, a mitigation plan shall be prepared by the owner/operator's biologist and submitted for review and approval to the resource agencies. The owner/operator's biologist shall conduct field verification of the mitigation plan implementation and shall provide a written report to the U.S. Fish and Wildlife Service, Department of Fish and Game, Regional Water Quality Control Board and the County Department of Environmental Health. Coast live oak woodland shall be mitigated at a 2:1 ratio by the off-site acquisition of 1.6 acres of existing coast live oak woodland of like quality. The off-site acquisition shall occur in an unincorporated area of San Diego County. A conservation easement shall be placed across the off-site mitigation area to permanently protect the resource. If possible, individual oak trees shall be salvaged from the impact area and transplanted to appropriate open space habitat on the landfill site. The implementation of this mitigation shall be prior to or concurrent with construction or as otherwise determined in consultation with the County. MM 4.9-19c
15. Temporary construction fencing shall be erected under the supervision of a qualified biologist outside the delineated boundary of dedicated open space where it interfaces with impact areas. Where impact areas are adjacent to coast live oak woodland, fencing shall be erected outside the canopy area at a distance of 1.5 times the canopy radius of the outer trees. This fencing shall be erected prior to commencement of brushing or grading activities. The fencing (for example, strand wire or split rail) shall restrict human and equipment access but shall allow for wildlife movement. MM 4.9-19d

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16. Pre- and post- exclusion fencing surveys within the construction zone shall be conducted for arroyo southwestern toads by a biologist permitted by the U.S. Fish and Wildlife Service to handle the toad. Prior to construction commencement, and following the installation of the exclusion fencing, the biologist shall conduct a minimum of three surveys. Any arroyo southwestern toads found shall be relocated to appropriate similar habitat outside project impact areas and in dedicated open space on the landfill site. MM 4.9-19h

17. The trench dug for relocation of the pipelines shall be securely covered at the end of construction each day such that wildlife does not become trapped in the trench. MM 4.9-19i

### **B. 2. c. Cultural/Paleontological Resources**

1. If unique fossils are discovered, the owner/operator shall have a qualified paleontologist (or paleontological monitor) recover them. If an extended salvage period is required, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossils in a timely manner. If necessary, the paleontologist shall be allowed to set up a screen-washing operation to process the matrix to bulk sample selected geologic beds. If unique fossils are found, the owner/operator's paleontologist shall provide a letter to the County Department of Environmental Health documenting the find and procedures followed on-site. MM 4.10-1b

2. The owner/operator shall have a qualified paleontologist clean, repair, and catalog any fossil remains collected during monitoring and salvage operations. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as, the San Diego Natural History Museum. Donation of the fossils shall be accompanied by financial support from the owner/operator for initial specimen storage. If fossil remains are found, the County Department of Environmental Health shall review the preserved materials. MM 4.10-1c

3. The owner/operator shall have a qualified paleontologist prepare regular biannual progress reports during earth moving activities in the Quaternary Alluvium (this earthwork to occur during construction of the bridge footings and roads and the excavation of the borrow sites) and a final summary report that outline the results of the resources mitigation program. These reports shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and the significance of recovered fossils. These reports shall be submitted to the County Department of Environmental Health. MM 4.10-1d

4. Prior to issuance of a grading permit, the owner/operator shall retain a professional, registered archaeologist who is approved by the County and, if appropriate, a Native American monitor, who is selected from a list of suitable candidates obtained from the Native American Heritage Commission. The archaeologist and, if appropriate, the Native American monitor shall implement a monitoring and data recovery program to mitigate potential impacts to previously undiscovered archaeological resources, to the satisfaction of the Director of Planning and Land Use. The monitoring program shall consist of the monitor(s) attending a pre-grading meeting with the contractors to explain and coordinate the requirements of the program. In addition, the archaeologist and, if appropriate, the Native American monitor shall monitor initial grading and ground surface preparation on all previously undisturbed areas. The requirements of the monitoring program shall be noted on the final grading or improvement plan and all site workers shall be informed in writing by the project archaeologist of the restrictions regarding disturbance and removal of cultural resources as well as procedures to follow should a resource deposit be detected. MM 4.11-2

5. In the event of notification by the project archaeologist that a potentially significant or unique find has been unearthed, grading operations shall cease immediately in the area of the find until the geographic extent and scientific value of the resource can be reasonably verified. Isolates and clearly non-significant deposits shall be minimally documented in the field. If significant archaeological materials are discovered, the County archaeologist shall be consulted and the resources shall be recorded and recovered using standard professional archaeological methods. Once recovered, such resources shall be cleaned, catalogued, and permanently curated according to current professional repository standards. Construction in the affected area shall not resume until the archaeologist determines it to be appropriate. In the event that human remains are discovered, other than those located at the Higgins Family Cemetery, during the monitoring program, there shall be no further excavation or disturbance of the site, nor shall there be any disposition of such human remains, other than in accordance with the procedures and requirements set forth in Section 7050.5 of the California Health and Safety Codes. If Native American burial sites are discovered, the project shall comply with the Public

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Resources Code 5097.98 and CEQA Guidelines Section 15064.5(e). Upon completion of earth disturbing activities and prior to operation of the project, the archaeological monitor shall prepare a report documenting the findings. This report shall be completed to the satisfaction of the Director of Planning and Land Use and a copy submitted to the County Department of Environmental Health. MM 4.11-2

6. Prior to the completion of construction, the owner/operator shall ensure that the Research Requirements and Research Design for CA-SDI-745, included in Appendix N of the Final EIR, are followed. The Research Requirements and Research Design guides the analysis and curation of resources already recovered from Locus A and outlines the steps necessary for the completion of additional fieldwork and monitoring at Locus F. Included therein is the requirement for artifacts to be processed and curated according to current professional repository standards and transferred, including title, to an appropriate curation facility within San Diego County and that the owner/operator pay the necessary fees for permanent curation. A report documenting the analysis and fieldwork results shall be prepared and submitted to the satisfaction of the Director of Planning and Land Use, with a copy submitted to the County Department of Environmental Health. MM 4.11-4
7. Prior to the completion of construction, the owner/operator shall ensure that a complete analysis of materials collected from CA-SDI-14, 611H, the Maggie Lovell Homestead, be conducted under the supervision of a registered, professional archaeologist. These artifacts shall be processed and curated according to current professional repository standards and shall be transferred, including title, to an appropriate curation facility within San Diego County and the owner/operator shall pay the necessary fees for permanent curation. A report documenting the analysis results shall be prepared and submitted to the satisfaction of the County's Director of Planning and Land, with a copy submitted to the Department of Environmental Health. MM 4.11-5
8. Prior to any construction activity, the owner/operator shall, in addition to mitigation measures MM 4.11-6a, have a professional rock art conservator provide baseline data and periodically assess the condition of Medicine Rock, and once every six months during construction. The method for monitoring shall be developed in consultation with the Pala Band of Mission Indians and approved by the County Department of Environmental Health. Because the archaeological site is not located on the project site or on the Pala Reservation, implementation of the measure would require approval by the adjacent property owner. MM 4.11-6b

### **B. 2. d. Design/Engineering**

1. The owner/operator shall ensure that all brow ditches be constructed with outside bench lips slightly higher than inside edges. Culverts and other pipelines connecting brow ditches shall be painted to blend with landfill slopes. Integral or stained color shall be used on all brow ditches. A natural brown, beige or sand colored staining shall be used so that the ditch will not contrast with adjacent colors. Painting of miscellaneous structures shall use a variety of colors that match the revegetation patch and soil color that the pipeline is going through. At the time of installation of the brow ditches, culverts and pipelines, the owner/operator shall provide a letter to the County Department of Environmental Health indicating that the measure has been implemented. MM 4.13-2f
2. The owner/operator shall ensure that the benches and lifts shall be graded to minimize the significant landform quality impact. Blending of created landforms with adjacent landforms can be achieved by manipulating the landform to resemble or meld with its surroundings, planting to create the pattern resembling the adjacent vegetation matrix and its colors, and incorporating boulders into the final grades to create the rocky texture of the surrounding hillsides. The owner/operator shall provide a letter to the County Department of Environmental Health indicating that the measure has been implemented. MM 4.13-3
3. The owner/operator shall ensure that the project-grading plan include contouring of landforms to help blend the general forms of landmasses on part of the lower stockpile areas. Gentle grading and curvilinear shapes shall be used to help blend top and side slopes in with the natural topography. Large, undifferentiated, flat slopes shall be avoided. The owner/operator shall provide a letter to the County Department of Environmental Health indicating that this measure has been implemented. MM 4.13-8b
4. The owner/operator shall ensure that project grading plans include contouring of landforms to help blend the general forms of landmass on part of the upper stockpile areas. Gentle grading and curvilinear shapes shall be used to help blend top and side slopes in with the natural topography. Large, undifferentiated, flat slopes or pads shall be avoided. Leading edge landforms shall be created within the first two years of the creation of Borrow/Stockpile Area B to help block the views of the working face of the stockpile. The owner/operator shall verify in writing to the County Department of Environmental Health indicating that this measure has been

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implemented. MM 4.13-9a

5. The owner/operator shall ensure the disturbed areas are graded to blend the area with the existing landform. Gentle grading and curvilinear shapes shall be used to help blend slopes in with the natural topography. Large, undifferentiated, flat slopes or pads shall be avoided. The owner/operator's landscape architect shall provide plans to San Diego County Water Authority for review and approval and provide written verification to the County Department of Environmental Health that this measure has been implemented. MM4.13-12a
6. The owner/operator shall ensure that any new aqueduct portals and air vents are designed to blend in with the landscape through the use of a variety of colors that match the revegetation patch and soil color that the facility is going through. The owner/operator shall provide written verification to the County Department of Environmental Health indicating that this measure has been implemented. MM4.13-12c

### **B. 2. e. Dust Control**

1. During construction the owner/operator shall ensure the use of water trucks to keep all areas of vehicle movement sufficiently damp to prevent the raising of dust by travel in these areas. MM 4.7-1
2. During construction the owner/operator shall ensure all unpaved haul roads are watered every two hours, unless the road surface appears visibly damp. MM 4.7-1
3. The owner/operator shall ensure that active construction areas on the site are wet down in the late morning and after work is completed for the day. MM 4.7-1
4. The owner/operator shall ensure that non-active construction areas that have not been reseeded to minimize windblown dust are wet down at least once per day. MM 4.7-1
5. The owner/operator shall ensure that groundcover is re-established on areas disturbed by construction by seeding and watering those areas that will not be disturbed for extended periods (e.g., two months or more). MM 4.7-1
6. The owner/operator shall ensure that traffic speeds on all unpaved road surfaces are no more than ten miles per hour. MM 4.7-1
7. The owner/operator shall ensure that the construction contractor responsible for the relocation of the First San Diego Aqueduct implements the following measures: use water trucks to keep all areas of vehicle movement sufficiently damp to prevent the raising of dust by travel; wet down the site in the late morning and after work is complete for the day; at least once per day wet down non-active construction areas that have not been reseeded to minimize windblown dust; as soon as feasible, re-establish groundcover on areas disturbed by construction through seeding and watering those areas that will not be disturbed for extended periods (e.g., two months or more); reduce traffic speeds on all unpaved road surfaces to no more than 15 miles per hour; and maintain construction equipment engines by keeping them tuned in accordance with manufacturers specifications. MM 4.7-3

### **B. 2. f. Gas Control and Drainage Structure Visual Impacts**

1. The owner/operator shall ensure that the drainage and methane extraction structures and pipes be painted or be made of materials that fit into the local color environment and that match adjacent textures. At the time of installation of the drainage and methane extraction structures and pipes, the owner/operator shall provide a letter to the San Diego Air Pollution Control District and the County Department of Environmental Health indicating that this measure has been implemented. MM 4.13-2e

### **B. 2. g. General**

1. Prior to commencement of construction, the owner/operator shall explore the feasibility of obtaining a landscape easement along SR 76 to the west of the site on the adjacent property or the CalTrans right-of-way as shown on Exhibit 4.13-17 (FEIR). The easement, if obtained, shall be planted with a screen of native or indigenous trees and shrub species to create a naturally landscaped transportation corridor similar to the screening on the project site. The landscaping shall provide screening of the landfill for drivers traveling west along SR 76 towards the site. Written correspondence from owner/operator demonstrating good faith effort shall be provided to the Department of Planning and Land Use and the County Department of Environmental Health. MM 4.13-2g

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2. The owner/operator shall submit a work plan at least 30 days prior to any maintenance activities that could alter existing surface drainage patterns for run-on or run-off, or change existing slope configurations. (County of San Diego Gregory Canyon Landfill and Recycling Collection Center Ordinance (1994) sections 4.H, 5, 7.B, and 11; California Public Resources Code sections 21081.6(b), 44002(a)(1), 44010, 44012 and 44014(b); California Code of Regulations, Title 27, sections 21570, 21590, 21600, and 21663.)

### **B. 2. h. Hours of Construction**

1. The owner/operator shall ensure that all construction activities be limited to between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday. Construction shall not occur on Sundays or federal holidays. MM 4.6-1b

### **B. 2. i. Landscape**

1. The owner/operator shall ensure that large riparian trees along with the associated understory found within these riparian zones be planted along the access road and bridge to screen the project elements and the excavation in accordance with the landscape plan (MM 4.13.1). The landscape plan shall incorporate and compliment the mitigation for biological resources (Section 4.9 FEIR). Landscaping shall be installed immediately after completion of the access road and bridge. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-5
2. After completion of the facilities and during construction the owner/operator shall, in consultation with the landfill engineer, ensure that rock outcrops removed from the landfill footprint be placed in strategic locations around the facilities area. Implementation of this measure shall occur after completion of the facilities area or in accordance with the landscape plan (MM 4.13.1). The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been completed. MM 4.13-6a
3. The owner/operator shall ensure the areas adjacent to the ancillary facilities area and next to the water tank be planted with mature trees in major tree groupings to screen visual access to those structures. In addition, disturbed slopes shall be revegetated with native species. These concepts and the timing of implementation shall be incorporated into the landscape plan (MM 4.13.1). The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been completed. MM 4.13-6b
4. Prior to completion of construction of the facilities area, the owner/operator shall ensure the facilities and miscellaneous structures are painted or made of materials that fit into the local color environment and shall also match adjacent textures. The owner/operator shall verify in writing to the Department of Planning and Land Use and the County Department of Environmental Health that this measure has been implemented. MM 4.13-6c
5. The owner/operator shall ensure the landscape plans include vegetative screening on the side slopes and in areas below the crest to hide the grading for the western desilting basin. Landscaping shall be installed after completion of the western desilting basin. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-7
6. Upon commencement of operation, the owner/operator shall ensure that all landform screening has been implemented, including major tree groupings, at the edges of the Borrow/Stockpile Area A to help block the views of the area. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-8a
7. After initial construction, the owner/operator shall ensure that borrow/Stockpile Area A has been revegetated. Contrast, texture, and color matching shall be achieved in all revegetation. All areas shall be replanted with native plant materials that will decrease the amount of value and color contrast with surrounding areas. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-8c
8. If a stockpile landform is to remain in place beyond one full year, the owner/operator shall ensure the area is hydroseeded or other revegetation efforts are undertaken. Contrast, texture, and color matching shall be achieved in all revegetation. All areas shall be replanted with native plant materials that will decrease the amount of value and color contrast with surrounding areas. Temporary revegetation of slopes shall also be used

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to reduce contrast, insofar as the proper colors and textures are utilized in the plant selection process. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented after commencement of use of Borrow/Stockpile Area B. MM 4.13-9b

9. After installation as outlined in the landscaping plan, the owner/operator shall ensure that landform screening has been planted, including major tree groupings, at the edges of the Borrow/Stockpile Area B to screen the area from view. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-9c
10. In consultation with SDG&E, the owner/operator shall minimize the pad areas needed for the relocated power line towers. Related cut slopes shall be permanently revegetated and landform-grading techniques shall be used to blend the pads in with adjacent landforms. The cut face of these pads shall be sculpted to allow rock outcrops to remain and be prominent. Additional rock outcrops shall be placed where they do not interfere with the access and maintenance requirements of the towers. Prior to the relocation of the San Diego Gas & Electric transmission towers the owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-10
11. After construction, and prior to operation, the owner/operator shall ensure that disturbed areas within and around the San Diego County Water Authority aqueduct easement have been revegetated with native species in accordance with an approved landscape plan. The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-12b

### **B. 2. j. Noise Controls**

1. The owner/operator shall monitor noise levels at the property lines adjacent to residential uses in the first year of the initial construction and whenever the construction operation changes. If noise levels exceed 62.5 dBA Leq at the property line, the owner/operator shall implement some or all of the following measures to reduce the noise levels to below 62.5 dBA Leq: build temporary noise barriers or berms between construction activities and residences. Such barriers or berms shall be disassembled when construction is complete. Design parameters (e.g., height, length, and location) for these temporary noise barriers or berms shall be determined by a qualified noise expert and submitted to the County Department of Environmental Health for review. Reduce the amount or size of construction equipment. For example, equipment with smaller engines could be used. This would be feasible for most types of equipment. However, the geology of the site may dictate the minimum size of certain types of rock moving or other equipment. If the 62.5 dBA Leq threshold is not exceeded, no action beyond monitoring shall be necessary and the noise expert shall provide a report and monitoring results to the County Department of Environmental Health. MM 4.6-1a
2. The owner/operator shall ensure that construction equipment and trucks are properly tuned and have noise muffling equipment that meets or exceeds applicable U.S.EPA standards. MM 4.6-1c
3. The owner/operator shall provide a fair share contribution for the cost to install a sound wall in the right-of-way along SR 76 to reduce noise levels from cumulative traffic at the existing residences, if allowed by CalTrans, and shall provide written verification to the County Department of Environmental Health. MM 4.6-4a
4. Daily noise monitoring by a qualified acoustician shall be conducted between March 15 and September 15 during initial construction to verify that noise levels are below 60 dB(A) Leq in the least Bell's vireo and southern willow flycatcher habitat. If the 60 dB(A) Leq is exceeded, the acoustician shall work with the construction contractor to make operational changes and/or barriers designed by the acoustician shall be installed prior to March 15 or immediately if during the breeding season, to reduce noise levels during the breeding season. Weekly noise monitoring shall occur following operational changes and/or installation of barriers to ensure their effectiveness. If ineffective, the acoustician shall work with the construction contractor to make additional operational changes or to install other barriers that would reduce noise to less than 60 dB(A) Leq. The noise analysis prepared by the owner/operator's noise specialist shall be provided to the County Department of Environmental Health. MM 4.9-12a
5. Construction noise shall not result in exceedances of 60 dB(A) Leq on least Bell's vireo and southern willow flycatcher habitat between March 15 and September 15 unless noise attenuation measures designed by an acoustician are implemented to reduce noise levels in least Bell's vireo and southern willow flycatcher habitat to below 60 dB (A) Leq. MM 4.9-19j



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## B. 2. k. Run-on and Run-off Management

1. Run-on and Run-off control measures shall be designed and constructed to protect landfill and recycling center operating areas and filled areas from physical damage. At least 120 days prior to the beginning of construction for each new construction phase, a design report shall be submitted to County Department of Environmental Health addressing all preexisting and proposed measures, whether permanent or temporary, that will be used to control the physical impacts of stormwater on landfill and recycling center operating areas and filled areas. The report shall include to the extent relevant, but shall not be limited to, the engineered design plans, the contract specifications, and a construction quality assurance (CQA) plan to verify that construction specifications will be met. Construction plans will be modified if changes are determined to be necessary by County Department of Environmental Health to provide adequate protection against physical damage. A final construction report addressing these control measures shall be submitted to County Department of Environmental Health after each phase of construction and prior to the placement of waste into the constructed cell. The final construction report shall include but not be limited to as-built plan, a CQA report with a summary of the CQA program and all relevant test results, analyses and copies of the inspector's original field notes. Broader design and construction reports submitted to the California Regional Water Quality Control Board may also be submitted to County Department of Environmental Health to fulfill this requirement, but only if the submission clearly identifies the portions of those reports that are relevant to the prevention of physical damage to landfill and recycling center operating areas and filled areas. (County of San Diego Gregory Canyon Landfill and Recycling Collection Center Ordinance (1994) sections 4.H, 5, 7.B, and 11; California Public Resources Code sections 21081.6(b), 44002(a)(1), 44010, 44012 and 44014(b); California Code of Regulations, Title 27, sections 21570, 21590, 21600, and 21663.)

## B. 2. l. Traffic Controls

1. If by the year 2020 the General Plan improvements have not been completed, the owner/operator shall make an irrevocable offer of dedication for right-of-way to 108 feet in width within the project boundary for the widening of SR 76 to four lanes per the County of San Diego Circulation Element, including a designated bike route. In addition, the owner/operator shall provide a fair share contribution for the cost to provide four lanes on SR 76 from the western boundary of the project site to the project access road. Dedication of easement and deposit receipt shall be provided to CalTrans, Department of Public Works and the County Department of Environmental Health. MM 4.5.3
2. In order to mitigate traffic impacts, the owner/operator shall widen and realign State Route 76 on either side of the access road to improve sight distance and to facilitate truck movements, prior to acceptance of solid waste. The realigned segment will provide approximately 1,000 feet of sight distance in both directions for traffic leaving the landfill. The owner/operator shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. Striping will be provided for acceleration/deceleration lanes and an over-take lane for through traffic. These realignment plans may be modified as necessary to meet CalTrans requirements. The owner/operator shall verify in writing to the County Department of Environmental Health that this measure has been implemented. M 4.5.C5I

## B. 2. m. Water Resources

1. Before the liner is buttressed with refuse, the geosynthetic materials (i.e., plastic geomembranes and geotextile fabrics) shall be anchored at the head of the slope, and weighted throughout their extent with 20-pound sand bags on five-foot vertical spacing. If the liner system were to be damaged before it is weighted down by refuse, the owner/operator shall repair, and if necessary reconstruct, the liner. Repairs to the geosynthetic materials shall be completed and tested in accordance with regulations and project specifications. As necessary during construction and operation, the Regional Water Quality Control Board may be present to perform field observations at any time to ensure compliance. The owner/operator shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.2-1
2. If the groundwater available to the owner/operator from on-site wells is not sufficient to allow construction of the landfill in accordance with the requirements of this permit, the owner/operator shall secure sufficient water from another source. If water is trucked to the site, the permitted traffic volume set out in Block 5 of this permit may not be exceeded.
3. The owner/operator shall identify and use an alternate water supply for construction and operation of the project

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if, the amount of groundwater available within the San Luis Rey Municipal Water District is insufficient to meet the reasonable and beneficial needs of the District or any of the landowners within the District. Written verification of an alternate supply shall be provided to San Luis Rey Municipal Water District and the County Department of Environmental Health. MM 4.3-1g

4. If the construction, operation, or closure of the landfill causes degradation of the quality of Pala Basin water or of foreign water stored in the Pala Basin for use within the Pala Basin so that it cannot be used for domestic uses and for irrigation, the owner/operator shall be liable to the San Luis Rey Municipal Water District to the extent of any degradation of the quality of Pala Basin water or the quality of foreign water stored in the Pala Basin caused by the construction, operation or closure of the landfill, including the cost of remediating the degradation of water quality attributable to the construction, operation or closure of the landfill, or if such remediation is not technologically or economically feasible, of providing an alternative water supply pending permanent remediation measures to the extent necessary to meet the reasonable needs for domestic and irrigation uses, as set out more fully in the Water Supply Mitigation Agreement. The owner/operator's liability with respect to foreign water shall be limited to remediation of a maximum of 17,694 acre-feet of water. Plans for and the potential costs of remediating the water quality of the Pala Basin or providing an alternative water supply shall be part of the closure plan and part of the cost estimate required by 14 CCR Section 17782 or equivalent regulations. The owner/operator shall consult with the San Luis Rey Municipal Water District and meet all testing and reporting requirements of the Regional Water Quality Control Board. The owner/operator shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.3-1h
5. The owner/operator shall ensure that temporary erosion control measures such as silt fencing, sand bags, and straw matting shall be used to reduce potential siltation of drainage courses including the San Luis Rey River. MM 4.9-19f

### **B. 3. Operation Conditions**

#### **B. 3. a. Hours of Operations**

1. The solid waste facilities shall remain open for the receipt of refuse a minimum of eight (8) hours a day, six (6) days a week, excepting holidays observed by other operating landfills in San Diego County, for a total of 307 days per year. Solid waste operations shall occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on Saturday unless this permit establishes different hours. Solid waste operations shall include the receipt, handling, processing, and/or disposal of solid waste or recyclable materials; cover operations; site grading and/or excavation, including blasting and rock crushing; and heavy equipment operation. Other site activities such as the operation of gas and leachate collection and treatment systems, remedial activities required by a regulatory agency, maintenance within the maintenance yard, and activities conducted in a completely enclosed building shall not be limited to these hours of operation (JTD B.4.1) MM4.1.C5A and MM 4.1.C5B

#### **B. 3. b. Landscape**

1. The owner/operator shall ensure that all permanent slopes shall be stabilized with appropriate native plant seed mix and container stock around the edges. Where construction phasing will result in changes and/or transitions to the slopes within one year, the slope is not considered to be permanent and other temporary erosion control techniques may be substituted. Any changes to the approved construction plans must be resubmitted for review and approval by the permitting agency and a copy provided to the County Department of Environmental Health. MM 4.13-2c
2. The owner/operator shall ensure that any landfill slope that is to remain or does remain unchanged beyond one full year shall be hydroseeded or revegetated, unless otherwise required to be hydroseeded or revegetated sooner. Revegetation shall take into account the contrast, color, and texture so that it can blend back into the local setting. MM 4.13-2d
3. The owner/operator shall implement the landscape plan for areas within public view, such as along SR 76, adjacent to the facility area and within the abandoned Lucio Dairy parcels. These areas shall be revegetated to mitigate for the loss of visual resources in accordance with the landscape plan (MM 4.13.1). The revegetation shall contain both oak woodland habitats and riparian plantings. Wherever possible, boulders and rock outcrops

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should be relocated from disturbed areas to replanted areas. The plan shall incorporate and compliment the mitigation for biological resources (Section 4.9 FEIR). The revegetation shall be implemented within two years after the commencement of the landfill operation MM 4.13-4.

### **B. 3. c. Litter Control**

1. The owner/operator shall ensure that a clean up team, consisting of one truck with a two-person crew, inspects for and cleans up all litter and illegal dumping on or adjacent to the landfill access road and SR76 between I-15 and the site. The inspection and clean up will occur five days each week. Litter inspection shall be done every day that the landfill is open to accept refuse, and litter will be cleaned up on the sixth day as determined necessary. Litter will be collected as necessary outside the landfill perimeter, along the southern boundary of the project site adjacent to the landfill footprint, on-site around the operations area, around the ancillary facilities (i.e., entrance area, maintenance area), along SR76 between I-15 and the project site, along the access road, and any other areas where litter has blown off-site in objectionable quantities. Litter shall not be allowed to accumulate along roads, fences, or in vegetation. [JTD Section B.5.3.3, MM4.9.C5C and MM4.16.C5C (27 CCR 20830)]

### **B. 3. d. Noise Control**

1. The owner/operator shall ensure that noise levels at the facility remain below the County Noise Ordinance limit. Noise levels of on-site equipment shall be controlled by installation and proper maintenance of mufflers on all motorized vehicles. The owner/operator shall ensure that a written notice shall be provided to residents, within a one-mile radius of the blast site, at least 24 hours in advance of any on-site blasting. Site personnel shall be provided hearing protection (e.g., ear plugs or muffs) to reduce exposure from continued on-site noise levels. Rock crushing and tire shredding shall occur at least 1,500 feet from the nearest residences unless other forms of noise attenuation, such as berms or acoustical curtains, are used to reduce combined landfill noise levels to below the County Noise Ordinance limit. [JTD Section B.5.3.4 (27 CCR 20840)]
2. The owner/operator shall ensure that the tire shredding and rock crushing do not occur at the same time. MM 4.6-2a
3. The owner/operator shall monitor the tire shredding operations the first time this activity is conducted on-site, or if there is a significant change in equipment utilized, to ensure that noise levels do not exceed the residential and wildlife thresholds. If the noise levels exceed either threshold, the owner/operator shall implement noise abatement measures, which may include such measures as equipment silencers, enclosures, noise baffling, and/or berms. MM 4.6-2b
4. The owner/operator shall conduct noise verification sampling specifically for the flare station prior to commencement of its full operation to ensure compliance with the 62.5 dB(A) Leq and 60 dB(A) Leq at the property line and for wildlife habitat, respectively. MM 4.6-3
5. The owner/operator shall ensure at the time of landfill operation that noise monitoring is conducted weekly for up to one month by a qualified acoustician to verify that operational noise levels are below 60 dB(A) Leq in least Bell's vireo and southern willow flycatcher habitat. If noise levels equal or exceed 60 dB(A) Leq, a 16-foot high permanent noise wall shall be installed prior to the least Bell's vireo breeding season (March 15 to September 15, includes southern willow flycatcher breeding season) or immediately if during the breeding season. If noise levels exceed 60dB(A) Leq during the breeding season, operational changes shall be made to reduce noise levels to less than 60 dB(A) while the noise wall is being constructed. The noise wall shall be constructed east of the knoll between the internal haul road and the top of slope for the facilities area to block truck noise emanating into the habitat. The noise analysis prepared by owner/operator's noise specialist shall be provided to the County Department of Environmental Health immediately upon completion, or sooner, if noise levels equal or exceed 60 dB(A) Leq. MM 4.9-15b

### **B. 3. e. Recordkeeping**

1. The owner/operator shall maintain accurate records. These include, but are not limited to, accurate weight/volume records in a manner and form approved by the County Department of Environmental Health, operating record, records of excavations, daily log book of special occurrences, records of personnel training, and names, addresses and telephone numbers of responsible parties. [JTD Section A.3 (27 CCR 20510)]
2. The owner/operator shall record pertinent information as it becomes available (location restrictions, inspection

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records, training procedures, gas monitoring results, closure/postclosure maintenance plans, cost estimates, etc.). [JTD Section A.3.1 (27 CCR 20515)]

3. The owner/operator shall ensure that any approvals, determinations and other requirements, authorized by the County Department of Environmental Health in writing to the operator, are placed in the operating record. [JTD Section A.3.1 (27 CCR 20517)]

### **B. 3. f. Traffic Control**

1. Traffic control shall be maintained at the landfill to ensure that traffic flow into, on and out of the site minimizes interference and safety problems for customers and for traffic on adjacent and adjoining public roads. [JTD Section B.5.5 (27 CCR 20860)]
2. At the commencement of operation, the owner/operator shall make a fair-share contribution for the addition of an eastbound left turn lane and westbound through lane on the I-15 overcrossing. The deposit receipt shall be provided to CalTrans, the Department of Public Works, and the County Department of Environmental Health. MM 4.5-2

### **B. 3. g. Water Resources**

1. The owner/operator shall operate the facility in a manner that ensures leachate is controlled to prevent contact with the public. [JTD Section B.5.1.1 (27 CCR 20790)]
2. The owner/operator shall ensure that the drainage system is designed and maintained to ensure the integrity of roads, structures, leachate collection systems, and gas monitoring and control systems; to prevent safety hazards; and to prevent exposure of waste. [JTD Section B.5.4 (27 CCR 20820)]
3. Immediately following any significant seismic event, or as soon as practical thereafter, the owner/operator shall complete a comprehensive inspection of all facilities and structures, as well as surrounding natural features, shall be performed, and all necessary repairs shall be made. If a tear in the liner is identified, repairs to the geosynthetic materials shall be completed immediately by placing a patch over the torn sections and fusing the materials by patch welding. The owner/operator shall perform vacuum testing on the patch welds to ensure compliance with the standards established for the original liner construction. Patching will be performed under strict construction quality assurance protocols used during original liner construction and the Regional Water Quality Control Board may be present to perform field observations at any time during the repair to ensure compliance with applicable regulations. As necessary during construction and operation, the Regional Water Quality Control Board may be present to perform field observations at any time to ensure compliance. Written verification and a copy of this comprehensive inspection shall be submitted to the County Department of Environmental Health. MM 4.2-2
4. The owner/operator shall ensure water quality monitoring. Water quality monitoring shall include the 13 monitoring wells surrounding the landfill, at a minimum monitoring of two production wells (downgradient San Luis Rey Municipal Water District well #34 and upgradient Lucio well #2), upgradient alluvial monitoring well GMW-3, and downgradient alluvial monitoring well GLA-16, located within the project boundary. The owner/operator's hydrogeologist shall submit an annual written report to the San Luis Rey Municipal Water District, Regional water Quality Control Board and the County Department of Environmental Health. MM 4.3-1a
5. If contamination is detected in any monitoring well, the owner/operator shall ensure affected water is treated to acceptable water quality standards, consistent with existing background water quality as provided in 27 CCR 27, Section 20400 (a)(1). Adequate treatment shall be implemented to maintain background levels established by the Regional Water Quality Control Board at the time of issuance of the waste discharge requirements (WDRs). Field inspection and monitoring by the owner/operator's hydrogeologist shall be conducted if contamination is detected. The owner/operator's hydrogeologist shall submit a written report of the monitoring results to the San Luis Rey Municipal Water District, Regional Water Quality Control Board and the County Department of Environmental Health. MM 4.3-1b
6. The owner/operator shall provide to the San Luis Rey Municipal Water District simultaneously with the submission to the Regional Water Quality Control Board, data collected from the groundwater monitoring program and if a timely request is made, shall provide to the San Luis Rey Municipal Water District and its consultants split samples from any groundwater monitoring sample to enable the San Luis Rey Municipal Water

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District to verify the data collected. The owner/operator's hydrogeologist shall submit a written report of the monitoring results to the San Luis Rey Municipal Water District, Regional water Quality Control Board and the County Department of Environmental Health. MM 4.3-1c

7. As a condition of any water rights appropriation permit that may be granted by the State Water Resources Control Board, the owner/operator shall reduce its diversion of water if the amount of groundwater available within the San Luis Rey Municipal Water District, based upon water rights as they existed on April 15, 1996 within the boundaries defined in the Mitigation Agreement, is insufficient to meet the reasonable and beneficial needs of the District or any of the landowners within the District. Written verification of water usage shall be provided to San Luis Rey Municipal Water District, other parties to the agreement, and the County Department of Environmental Health. MM 4.3-1f
8. If the groundwater available to the owner/operator from on-site wells is not sufficient to allow operation of the landfill in accordance with the requirements of this permit, the owner/operator shall secure sufficient water from another source. If water is trucked to the site, the permitted traffic volume set out in Block 5 of this permit may not be exceeded.
9. The owner/operator shall consult with the San Luis Rey Municipal Water District concerning the number, specifications, location, and frequency of data collection at the monitoring stations. The Regional Water Quality Control Board shall make the final decision regarding the need for and adequacy of the number, specifications, location of and frequency of data collection from the monitoring stations. MM 4.3-1j
10. The owner/operator shall ensure a liner and leachate collection system is installed and monitored as required by the Regional Water Quality Control Board. MM 4.3.C5E
11. The landfill operation shall comply with all requirements of the Regional Water Quality Control Board to ensure protection of surface and underground water quality. MM 4.3.C5G

### **B. 3. h. Air Quality**

1. The owner/operator shall maintain trucks, construction and operations equipment engines by keeping them tuned in accordance with manufacturers specifications. MM 4.7-2
2. The owner/operator shall ensure the landfill operation shall only utilize diesel fuel blended for use in California in heavy-duty vehicles and equipment. MM 4.7-2
3. The owner/operator shall only employ construction equipment that meets or exceed California Exhaust Emission Standards for Post-1996 Off-Road Compression-Ignition Engines. MM 4.7-2
4. Operation of the landfill shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J

### **B. 3. i. Biology Resources**

1. The owner/operator shall ensure that a public education program is developed by a qualified biologist and is implemented to inform landfill staff and visitors about access restrictions and the sensitivity of habitats on-site. Throughout the life of the project, access routes shall be restricted to existing roads, with entry into non-impact areas restricted by the landfill operator. Areas not directly impacted by the project shall be posted with signs precluding access due to habitat sensitivity. A copy of the public education program shall be provided to the County Department of Environmental Health. MM 4.9-16

### **B. 3. j. Cover**

1. The owner/operator shall ensure that the spreading and compaction of solid waste is accomplished, as rapidly as practical, in layers with repeated passages of the landfill equipment. Loose layer are not to exceed a depth of two feet before compaction. [JTD Section B.4.4.3 (27 CCR 20640)]

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2. The owner/operator shall ensure that covered surfaces of the disposal area are graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. [JTD Section B.4.4.1.4 (27 CCR 20650)]
3. The owner/operator shall ensure the stockpiles of cover material, or native materials unsuitable for cover, are placed so as not to interfere with operations. [JTD Section B.4.4.1.1 (27 CCR 20660)]
4. The owner/operator shall ensure there is a sufficient quantity of cover material available. If on-site sources are insufficient, substantiation must be shown to the Department of Environmental Health that an adequate supply shall be provided. [JTD Section B.4.4.8 (27 CCR 20670)]
5. The owner/operator shall ensure that the solid waste is covered with six inches of compacted earthen material or an equivalent alternative daily cover (ADC) at the end of each operating day or at more frequent intervals if necessary. The only alternate daily cover materials approved for this landfill operation are geosynthetic blankets and processed green material. Earthen or alternative cover materials shall be placed over all surfaces of disposed solid waste to control vectors, fires, odors, blowing litter and scavenging. [JTD Section B.4.4.5 (27 CCR 20680)]
6. The owner/operator shall ensure that only approved materials listed in 27 CCR 20690 and the Joint Technical Document are used as Alternative Daily Cover. [JTD Section B.4.4.5.1 (27 CCR 20690)]
7. The owner/operator shall ensure that the alternate daily cover used meets the performance standard for use of alternate daily cover. The County Department of Environmental Health may require the cover performance standards outlined in 27 CCR section 20695 if necessary to control vectors, fires, odors, and blowing litter and to evaluate the suitability of the alternate daily cover or intermediate cover. [(27 CCR 20695)]
8. The owner/operator shall ensure that compacted earthen material of at least 12 inches is placed on all surfaces of the fill where no additional solid waste will be deposited within 180 days. [JTD Section B.4.4.6 (27 CCR 20700)]

### **B. 3. k. Design/Engineering**

1. The owner/operator shall ensure that additional inspection of the rock masses surrounding the landfill are completed every 5 years and/or after a significant earthquake event in order to identify new areas of potential rock-fall concerns. The owner/operator's geotechnical consultant shall submit a letter to the County Department of Environmental Health within 30 days of any such inspection summarizing findings and necessary actions. MM 4.2-4

### **B. 3. l. Dust Control**

1. The owner/operator shall ensure that the main access road is paved, swept regularly, and watered at least twice daily. Crushed rock shall be used on all unpaved haul roads. All unpaved haul roads shall be watered every two hours during construction, unless the road surface appears visibly damp. Non-toxic soil binders and water shall be applied to internal haul roads. The owner/operator shall ensure all access and haul roads are properly maintained at all times. All areas of vehicle movement shall be kept sufficiently damp to prevent the raising of dust by travel in these areas. Traffic speeds of 10 miles per hour shall be maintained on all on-site, unpaved road surfaces. [JTD Section B.5.3.1 FEIR 3.5.8 (27 CCR 20540)]
2. The owner/operator shall ensure adequate measures are implemented to minimize the creation of dust, and to prevent safety hazards due to obscured visibility. [JTD Section B.5.3.1 (27 CCR 20800)]
3. The owner/operator shall ensure that the landfill does not violate any applicable requirements developed under a State Implementation Plan as approved by the San Diego Air Pollution Control District, for the monitoring and control of dust and gas emissions outlined in Rule 59 (d) (ii) A (Landfill Emissions Control Systems). The owner/operator shall apply for a permit to operate for construction activities and the control of resultant dust. The owner/operator shall provide a copy of the permit to operate for construction activities and a copy of the approved State Implementation Plan to the County Department of Environmental Health. [JTD Sections B.2.2.3 and B.5.2.2 (27 CCR 20900)]
4. The owner/operator shall ensure the use of water trucks to keep all areas of vehicle movement sufficiently

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damp to prevent the raising of dust by travel in these areas. MM 4.7-2

5. The owner/operator shall wet down the site in the late morning and after work is completed for the day. MM 4.7-2
6. At least once per day, the owner/operator shall ensure that all non-active construction areas that have not been reseeded to minimize dust are wet down at least once per day. MM 4.7-2
7. The owner/operator shall ensure traffic speeds on all on-site, unpaved road surfaces are no more than ten miles per hour. MM 4.7-2
8. The owner/operator shall ensure the frequency of water application on access roads, stockpiles, and cleared areas. Landscaping shall be installed between the landfill and CA-SDI-313/4,356 will serve as a dust screen and will reduce visual impacts created by fugitive dust and landfill operations. The landscaping shall be installed a sufficient distance from the project site so as not to create a fire hazard. The owner/operator shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.11-6a
9. The owner/operator shall apply water on access roads, storage piles, and cleared areas at greater frequencies, during periods of high wind to reduce the dust generated by vehicles. MM 4.12-2a

### **B. 3. m. Landfill Gas Controls**

1. The owner/operator shall implement a landfill gas collection program, regardless of whether the triggering limits set out in state regulations are exceeded or not, as part of the agreed mitigation measures for this facility. This landfill gas collection system shall include a network of vertical extraction wells, lateral transmission pipes to a gas recovery facility, and perimeter gas monitoring probes. With this system, the landfill gas will be extracted from the landfill and combusted in an enclosed flare. MM 4.7.C5F and MM 4.16.C5F
2. The landfill gas control systems shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J
3. The owner/operator shall monitor for landfill gases, and shall control landfill gases, in a manner that complies with state laws and regulations. [JTD Section B.5.2 (27 CCR 20919)]
4. During the operational phase of the landfill concentrations of methane gas generated by the facility shall not exceed 25% of the Lower Explosion Level (LEL) for methane in facility structures and shall not exceed the LEL at the facility property boundary. The owner/operator shall implement a methane-monitoring program. The monitoring frequency shall not be less than quarterly, and more frequently as necessary to detect migrating gas. If levels are exceeded, the owner/operator shall take all necessary steps to ensure protection of human health and inform the Department of Environmental Health immediately. Results from the gas monitoring probes shall be submitted to the County Department of Environmental Health quarterly. [JTD Section B.5.2 (27 CCR 20919.5 and 20933)]
5. The owner/operator shall implement a gas monitoring program at the disposal site in accordance with the following requirements: (1) the gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist, and shall ensure detection of the presence of landfill gas migrating beyond the landfill property boundary and also into on-site structures; and (2) the monitoring network shall be designed to account for the following specific site characteristics and potential migration pathways or barriers, including, but not limited to: (A) local soil and rock conditions; (B) hydrogeological conditions at the disposal site; (C) locations of buildings and structures relative to the waste disposal area; (D) adjacent land use, and inhabitable structures within 1,000 feet of the disposal site property boundary; (E) man made pathways, such as underground construction; and (F) the nature and age of waste and its potential to generate landfill gas. [(27 CCR 20923)]

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6. The owner/operator shall install perimeter subsurface landfill gas monitoring wells around the waste deposit perimeter but not within refuse. Perimeter monitoring wells shall be located at or near the disposal site property boundary. The owner/operator may establish an alternate boundary closer to the waste deposit area based on knowledge of the site factors. When compliance levels are exceeded at the alternate boundary, the owner/operator shall install additional monitoring wells closer to the property boundary. The lateral spacing between adjacent monitoring wells shall not exceed 1,000 feet, unless it can be established to the satisfaction of the County Department of Environmental Health that lesser spacing shall still ensure compliance. Probe spacing shall be reduced as necessary to protect persons and structures threatened by landfill gas migration. The depth of the wellbore shall equal the maximum depth of waste as measured within 1,000 feet of the monitoring point. The County Department of Environmental Health may require as necessary, for the protections of public health and safety and the environment, an increase in the number of monitoring probes, the depth of the wellbore, or modify the depths of monitoring probes within a wellbore to ensure compliance. The owner/operator is not precluded from utilizing existing gas monitoring probes of an alternate design, when it is demonstrated to the satisfaction of the County Department of Environmental Health that such probes have been installed in a manner that ensures the detection of landfill gas migrating from the disposal site. The monitoring wells shall be constructed as outlined in 27 CCR section 20925. [JTD Sections B.5.2 and C.2.7 (27CCR 20925)]
7. The landfill gas control system shall be designed and constructed to meet all of the requirements of this permit. At least 120 days prior to the beginning each phase of system construction, a design report shall be submitted to County Department of Environmental Health addressing all preexisting and proposed measures, whether permanent or temporary, that will be used to control landfill gas. The report shall include to the extent relevant, but shall not be limited to, the engineered design plans, the contract specifications, and a construction quality assurance (CQA) plan to verify that construction specifications will be met. Construction plans will be modified if changes are determined to be necessary by County Department of Environmental Health to comply with this permit. A final construction report addressing these control measures shall be submitted to County Department of Environmental Health after each phase of construction. The final construction report shall include but not be limited to as-built plan, a CQA report with a summary of the CQA program and all relevant test results, analyses and copies of the inspector's original field notes. Broader design and construction reports submitted to the San Diego County Air Pollution Control District may also be submitted to County Department of Environmental Health to fulfill this requirement. (County of San Diego Gregory Canyon Landfill and Recycling Collection Center Ordinance (1994) sections 4.H, 5, 7.B, and 11; California Public Resources Code sections 21081.6(b), 44002(a)(1), 44010, 44012 and 44014(b); California Code of Regulations, Title 27, sections 21570, 21590, 21600, and 21663.)

### **B. 3. n. General**

1. The owner/operator shall ensure the facility identification signs are located at the entrance gate. These signs shall provide information on the facility operator, hours of operation, and recognized holidays. Signs shall be located on the scalehouse indicating the schedule of charges and the general types of waste materials that will not be accepted at the site. Additionally, posted signs shall direct customers to the refuse unloading and recycling collection areas. Other posted signs will display site safety and traffic rules. [JTD Section B.3.1.3 (27 CCR 20520)]
2. The owner/operator shall ensure that entry into the landfill, during business hours is controlled by site personnel at the entrance facilities, at the single point of public access to the site. Perimeter fencing and/or topographical constraints will control unauthorized access to the site. Lockable gates shall be installed on the access road on the north side of the bridge and at the ancillary facilities area. Visitors to the site shall be required to check-in at the administrative office. Additional fencing will surround specific on-site facilities. The borrow/stockpile areas will not be fenced. [JTD Section B.3.2 (27 CCR 20530)]
3. The owner/operator shall ensure there are adequate sanitary facilities available at the northern end of the ancillary facilities area. [JTD Section B.4.6.1 (27 CCR 20550)]
4. The owner/operator shall ensure safe and adequate drinking water is available. [JTD Section B.4.6.2 (27 CCR 20560)]
5. The owner/operator shall provide adequate communication facilities to site personnel. [JTD Section B.4.6.3 (27 CCR 20570)]



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6. Adequate lighting shall be provided as approved by the County Department of Environmental Health. All disposal equipment shall be outfitted with sufficient lighting and/or portable lighting fixtures or stands shall be available to provide safe working conditions during end of the day refuse cover operations during winter months. Security lighting is to be provided around the buildings in the ancillary facilities area. Lighting shall be low impact, focused, and shielded to minimize spill light into the night sky or adjacent properties. [JTD Section B.4.6.4 (27 CCR 20580)]
7. The owner/operator shall ensure operating and maintenance personnel wear and use appropriate safety equipment as required by CalOSHA and verified to the County Department of Environmental Health. [JTD Section B.4.6.5 (27 CCR 20590)]
8. The owner/operator shall ensure that all personnel are adequately trained in health and safety, hazardous waste identification, handling and storage procedures, environmental control systems management, proper waste handling and disposal procedures and environmental mitigation. [JTD Section B.4.2.2 (27 CCR 20610)]
9. The owner/operator shall provide adequate supervision, of a sufficient number of qualified personnel, to ensure proper operations. The operator shall notify the County Department of Environmental Health and local health agency in writing of the names, addresses, and telephone numbers of the operator and responsible party. A copy shall be kept in the operating record. [JTD Section B.4.2.3 (27 CCR 20615)]
10. The owner/operator shall ensure that an attendant is always present during public operating hours, or as determined by the County Department of Environmental Health. [JTD Section B.4.2 (27 CCR 20620)]
11. The owner/operator shall ensure upon acceptance of waste for disposal at the entrance facility, that all vehicles shall be immediately directed to the working face of the landfill. Signs shall be posted along the internal haul roads to guide customers to the designated unloading areas. [JTD Section B.4.4.2 (27 CCR 20630)]
12. Scavenging is prohibited at all times. The owner/operator shall ensure that all salvaged materials generated on-site are placed in specified, clearly identifiable area segregated from the working face. These materials will be kept away from disposal operations and will be limited to a volume and storage time as approved by the County Department of Environmental Health. [JTD Section B.4.5.3 (27 CCR 20710)]
13. The owner/operator shall ensure that drugs, cosmetics, foods, beverages, etc. are not salvaged unless previously approved by the County Department of Environmental Health and the local health agency. [JTD Section B.4.5.4 (27 CCR 20720)]
14. The owner/operator shall ensure that volume reduction and energy recovery operations, as approved by the County Department of Environmental Health, are confined to a specified, clearly identifiable area and do not interfere with operations or create health, safety or environmental problems. [JTD Section B.4.5.5 (27 CCR 20730)]
15. The owner/operator shall ensure that all equipment utilized at the facility is adequate in type, capacity and number, and sufficiently maintained. [JTD Section B.4.3.1 (27 CCR 20740)]
16. The owner/operator shall ensure a Preventative maintenance program is implemented to monitor and promptly repair or correct deteriorated or defective conditions. [JTD Section B.4.3.3 (27 CCR 20750)]
17. The owner/operator shall ensure the disposal site is operated and maintained in sufficient manner so as not to create a public nuisance. [JTD Section B.5.3 (27 CCR 20760)]
18. The feeding of solid waste to animals, which will be used for human consumption, is prohibited. The owner/operator shall ensure that no solid waste is feed to animals, which will be used for human consumption. [(27 CCR 20770)]
19. Open burning of solid waste is prohibited. If burning wastes are received, they must be deposited in a safe area and extinguished. If burning wastes have been placed in an active face, they must be immediately excavated, spread and extinguished. [JTD Section B.5.3.5 (27 CCR 20780)]

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20. The owner/operator shall ensure that site personnel inspect landfill areas monthly for any signs of rodent activity and shall implement the necessary activities to minimize vector nuisances. A Vector Control and Management Plan and Bird Control Policy shall be submitted to the County Department of Environmental Health Vector Control and Surveillance Program for review and approval. A copy of the approved Vector Control and Management Plan and Bird Control Policy shall be provided to the County Department of Environmental Health prior to any solid waste activities. When birds are observed on-site, operations staff will use dispersal techniques to disturb the bird behavioral patterns, these may include the playback of distress vocalizations, falcon kites, owl decoys or dispersal by humans and or dogs. To minimize mosquitoes, proper grading and drainage shall be achieved and maintained to eliminate puddles and wet areas. Tires will be shredded when the allowed volumes of storage are met or at a minimum of every six months to deter both mosquitoes and rodents. The shredded tires will be landfilled. [JTD Section B.5.3.2 (27 CCR 20810)]
21. The owner/operator shall implement a hazardous waste exclusion program to detect and prevent disposal of regulated hazardous wastes, radioactive, unsuitable wastes and PCB wastes. The owner/operator shall maintain records, to include but not limited to, any hazardous waste exclusion inspections, staff training, and notification(s) of the County Department of Environmental Health of hazardous waste, radioactive, unsuitable waste or PCB's being discovered at the facility. Medical waste, unless treated and deemed to be solid waste shall not be accepted for disposal. [JTD Sections B.4.4.2.1 and B.5.6 (27 CCR 20870 and 20880)]
22. Dead animals maybe accepted for disposal, only if allowed by local regulations. All dead animals must be covered immediately or at a frequency approved by the County Department of Environmental Health. [(27 CCR 20890)]
23. The owner/operator shall provide the County Department of Environmental Health with documentation to ensure compliance with applicable fire standards, pursuant to PRC 44151. (JTD B.5.3.5 and FEIR 3.5.4)
24. The owner/operator shall implement a monitoring and maintenance program that includes annual topographic surveys to measure settlement, quarterly visual inspections to identify damage to the cover or final cover or gas systems, and repair of these systems as required. The gas collection system shall be flexible to accommodate settlement and allow for repair. MM 4.2-3
25. The owner/operator shall postpone landfilling activities on the western slope of Gregory Mountain above the existing San Diego Gas & Electric transmission line for as long as is practically possible. MM 4.12-1e
26. The owner/operator shall maintain trained full-time personnel engaged exclusively and continuously in the inspection of incoming refuse loads for hazardous waste. These personnel shall be stationed at the working face of the landfill whenever the landfill is open to accept waste and shall inspect loads as they are tipped. Hazardous wastes encountered shall be handled and disposed of in accordance with all applicable regulations. MM4.16.C5D
27. The owner/operator shall limit tipping fees charged to public agencies supplying waste to the landfill to the amounts allowed under Proposition C.

### **B. 4. Closure Conditions**

#### **B. 4. a. General**

1. The owner/operator shall ensure that within thirty days of receipt of the final shipment of waste to a discrete unit or if the entire disposal site has reached permitted capacity, the closure schedule as specified in the approved closure plan is implemented. Closure activities shall adhere to the time frames specified in the approved closure plan. In the event that the time frames for completion of specific activities cannot be adhered to due to adverse weather or other factors not in the control of the operator, then the time frames may be lengthened based upon those specific factors. The owner/operator shall notify the Department of Environmental Health immediately of any change in schedule due to adverse weather or other factors not in their control. The operator shall to the extent feasible, based on site-specific factors, implement partial and/or partial final closure activities

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as the site operation progresses, consistent with the closure of the entire site. The approval and implementation of any closure plan for a portion of the landfill shall be subject to the same process and time frames as for the approval and implementation of a closure and postclosure maintenance plan for the entire landfill. [JTD Section E.1.12 (27 CCR 21110 and 21120)]

2. The owner/operator shall ensure that sign(s) are posted at all points of access to the site sixty days prior to the last receipt of waste at the site and for a period of not less than one hundred eighty days after the facility has received the final shipment of waste stating the intended date of last receipt of waste at the site and the location of alternative permitted solid waste management facilities. A notice shall be placed in a local newspaper(s), thirty days prior to the last receipt of waste, which includes the intended date of the last receipt of waste at the site and the location of alternative solid waste management facilities. The County Department of Environmental Health may require more signs, signs written in additional languages, larger signs, or signs of clearer design, if necessary to protect public health and safety. The owner/operator shall ensure that all points of access to the site are restricted to protect public health and safety as of the date the final shipment of waste is received. Components of any monitoring, control or recovery systems at the site shall be protected from access other than that allowed in accordance with the approved closure and postclosure maintenance plans. Sedimentation and detention basins shall be secured and maintained during the closure and postclosure maintenance period to prevent unauthorized access. Once closure activities are complete, site access by the public may be allowed in accordance with the postclosure maintenance plan, as approved by the County Department of Environmental Health. [JTD Section E.1.10 (27 CCR 21135)]
3. The owner/operator shall dismantle and remove site structures at the time of closure to protect public health and safety in accordance with the implementation schedule of the approved final closure plan. The owner/operator shall ensure that structures and components of landfill gas and leachate control systems not intended for reuse that have come into contact with leachate or landfill gas, and that are dismantled at the time of closure or during the postclosure period are: (1) disposed of within the landfill, in accordance with the approved final closure plan; or (2) transported to another solid waste facility which is approved for receipt of such materials. Transportation and disposal shall be accomplished in a manner that protects public health and safety. [JTD Section E.1.11 (27 CCR 21137)]
4. If the groundwater available to the owner/operator from on-site wells is not sufficient to allow closure of the landfill in accordance with the requirements of this permit, the owner/operator shall secure sufficient water from another source. If water is trucked to the site, the permitted traffic volume set out in Block 5 of this permit may not be exceeded.
5. Closure of the landfill shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J

### **B. 5. Post-Closure Conditions**

#### **B. 5. a. Cover**

1. The owner/operator shall ensure that final cover or alternate final cover functions with minimum maintenance and provides waste containment to protect public health and safety by controlling at a minimum, vectors, fire, odor, litter and landfill gas migration, meet the performance requirements for Municipal solid waste landfills set out in, 40 CFR 258.60(b). The final cover must be approved by the County Department of Environmental Health must approve the final cover. The County Department of Environmental Health may require additional thickness, quality, and type of final cover depending on, but not limited to the following: (1) a need to control landfill gas emissions and fires; (2) the future reuse of the site; and (3) the need to provide access to all areas of the site for inspection of monitoring and control facilities, etc. [JTD Section E.1.3 (27 CCR 21140)]

#### **B. 5. b. Design/Engineering—Slopes and Related Systems**

1. Final grades shall be designed and maintained to reduce impacts to health and safety and take into consideration any postclosure land use. [JTD Section E.1.2 (27 CCR 21142)]

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2. The owner/operator shall ensure the integrity of final slopes under both static and dynamic conditions to protect public health and safety and prevent damage to postclosure land uses, roads, structures, utilities, gas monitoring and control systems, leachate collection and control systems to prevent public contact with leachate, and prevent exposure of waste. Slope stability analyses shall be conducted and reported pursuant to 27 CCR Section 21750(f)(5). The operator shall immediately notify the County Department of Environmental Health, California Integrated Waste Management Board, and Regional Water Quality Control Board in the event of any slope failure. [JTD Sections E.1.3.1.3, E.1.4, and E.1.5 (27 CCR 21145)]
3. The drainage and erosion control system shall be designed and maintained to ensure the integrity of postclosure land uses, roads, and structures; to prevent public contact with waste and leachate; to ensure integrity of gas monitoring and control systems; to prevent safety hazards; and to prevent exposure of waste. In cases where the design precipitation event in Table 4.1 within Article 4 of Subchapter 2 of Chapter 3 of Title 27 of the California Code of Regulations (commencing with section 20310) is not adequate for the protection of public health and safety, the County Department of Environmental Health, in consultation with the Regional Water Quality Control Board, may require the implementation of a more stringent design. Slopes not underlain by waste shall be stabilized to prevent soil erosion. Methods used to protect slopes and control erosion shall include, but are not limited to, terracing, contour furrows, and trenches. [JTD Section E.1.7 (27 CCR 21150)]

### **B. 5. c. Design/Engineering—Gas Control**

1. The owner/operator shall ensure that landfill gases generated at the disposal site after closure are controlled in accordance with the following requirements: (1) the concentration of methane gas must not exceed 1.25% by volume in air within on-site structures. (2) the concentration of methane gas migrating from the landfill must not exceed 5% by volume in air at the facility property boundary or an alternative boundary approved in accordance with 27 CCR section 20925. (3) trace gases shall be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds. The gas control program implemented pursuant to 27 CCR sections 20921 - 20937 shall continue for a period of thirty (30) years or until the owner/operator receives written authorization to discontinue by the County Department of Environmental Health with concurrence by the California Integrated Waste Management Board pursuant to 40 CFR 258.61(b). Postclosure land use at the site shall not interfere with the function of gas monitoring and control systems. The operator may request a reduction of monitoring or control activities based upon the results of monitoring data collected. The request for reduction of monitoring or control activities shall be submitted in writing to the County Department of Environmental Health. [JTD Section E.1.8 (27 CCR 20921)]
2. The owner/operator shall implement a gas monitoring program at the disposal site in accordance with the following requirements: (1) the gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist, and shall ensure detection of the presence of landfill gas migrating beyond the landfill property boundary and also into on-site structures; and (2) the monitoring network shall be designed to account for the following specific site characteristics and potential migration pathways or barriers, including, but not limited to: (A) local soil and rock conditions; (B) hydrogeological conditions at the disposal site; (C) locations of buildings and structures relative to the waste disposal area; (D) adjacent land use, and inhabitable structures within 1000 feet of the disposal site property boundary; (E) man made pathways, such as underground construction; and (F) the nature and age of waste and its potential to generate landfill gas. [(27 CCR 20923)]
3. The owner/operator shall install perimeter subsurface landfill gas monitoring wells around the waste deposit perimeter but not within refuse. Perimeter monitoring wells shall be located at or near the disposal site property boundary. The owner/operator may establish an alternate boundary closer to the waste deposit area based on knowledge of the site factors. When compliance levels are exceeded at the alternate boundary, the owner/operator shall install additional monitoring wells closer to the property boundary. The lateral spacing between adjacent monitoring wells shall not exceed 1,000 feet, unless it can be established to the satisfaction of the County Department of Environmental Health that a wider spacing would be adequate. Probe spacing shall be reduced as necessary to protect persons and structures threatened by landfill gas migration. The depth of the wellbore shall equal the maximum depth of waste as measured within 1,000 feet of the monitoring point. The County Department of Environmental Health may require as necessary, for the protections of public health and safety and the environment, an increase in the number of monitoring probes, the depth of the wellbore, or modify the depths of monitoring probes within a wellbore to ensure compliance. The owner/operator is not precluded from utilizing existing gas monitoring probes of an alternate design, when it is demonstrated to the satisfaction of the County Department of Environmental Health, that such probes have been installed in a manner that ensures the detection of landfill gas migrating from the disposal site. The monitoring wells shall be

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constructed as outlined in 27 CCR section 20925. [JTD Sections B.5.2 and C.2.7 (27 CCR 20925)]

4. The owner/operator shall ensure the landfill gas monitoring network design includes provisions for monitoring on-site structures, including but not limited to buildings, subsurface vaults, utilities or any other areas where potential gas buildup would be of concern and shall address on-site structures, both adjacent to and on top of the waste deposit area. Structures located on top of the waste disposal area shall be monitored on a continuous basis. When practical, structures shall be monitored after they have been closed overnight or for the weekend to allow for an accurate assessment of gas accumulation. Areas of the structure where gas may accumulate shall be monitored and may include, but are not limited to areas in, under, beneath and around basements, crawl spaces, floor seams or cracks, and subsurface utility connections. [JTD Section B.5.2.3.3 (27 CCR 20931)]
5. All monitoring probes and on-site structures shall be sampled for methane during the monitoring period. The County Department of Environmental Health may require sampling for specific trace gases when there is the possibility of acute or chronic exposure due to carcinogenic or toxic compounds. [(27 CCR 20931)]
6. The owner/operator shall at a minimum, provide quarterly monitoring. The County Department of Environmental Health may require more frequent monitoring based upon site-specific factors. More frequent monitoring may also be required at those locations where results of monitoring indicate that landfill gas migration is occurring or is accumulating in structures. [(27 CCR 20933)]
7. Results of gas monitoring shall be submitted to the County Department of Environmental Health within ninety days of sampling, or at least quarterly, provided that compliance levels are maintained. When compliance levels are exceeded at any probe, the requirements of 27 CCR section 20937 shall apply and the County Department of Environmental Health shall be notified immediately. [(27 CCR 20934)]
8. The owner/operator shall, if the results of gas monitoring indicate concentrations of methane in excess of the compliance levels required by 27 CCR 20921(a) do all the following: (1) take all immediate steps necessary to protect public health and safety, and the environment; (2) notify the County Department of Environmental Health immediately and follow up in writing within five working days of learning that compliance levels have been exceeded, and indicate what has been done or is planning to be done to resolve the problem; (3) verify the accuracy of the test results; (4) within ten working days, submit to the Department of Environmental Health a work plan that describes the nature and extent of the problem, and any immediate corrective actions that need to be taken to protect public health and safety, and the environment; (5) construct a post-closure gas control system, designed by a registered civil or mechanical engineer, within a period of time specified by the County Department of Environmental Health in consultation with the Regional Water Quality Control Board. When the results of monitoring in on-site structures indicate levels in excess of those specified in 27 CCR section 20923(a), the operator shall take appropriate action to mitigate the effects of landfill gas accumulation in on-site structures. Gas control measures to protect structures, and public health and safety, shall include one or more of the following: (1) flexible membrane liners, (2) active collection systems, (3) passive collection systems designed to be upgraded to an active system, (4) alarms, (5) ignition source control, (6) utility collars installed within structures and outside in trenches, and (7) ventilation. The owner/operator shall provide for system monitoring and adjustment. [(27 CCR 20937)]
9. During the post-closure period, the owner/operator shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J
10. The owner/operator shall implement a gas control and monitoring maintenance program in accordance with the following requirements: (1) a site specific operations and maintenance manual shall be maintained and kept current to reflect any expansion or modifications to the gas control system; (2) an operations and maintenance manual shall provide for periodic inspections and servicing of gas control equipment; (3) operations and maintenance shall be recorded and the records shall be retained by the operator. The owner/operator shall be responsible for providing inspections, as needed, to ensure the integrity of the system. The owner/operator

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shall ensure that a qualified landfill gas control system designer obtains and reviews all applicable test reports, shop drawings, and manufacturer's certificates to verify that all equipment used in the gas control system has been manufactured in accordance with industry standards. A copy of the gas control and monitoring maintenance program shall be submitted to the County Department of Environmental Health for review prior to implementation. [(27 CCR 20937)]

11. The owner/operator shall implement and maintain the landfill gas controls in a manner to prevent leachate contact with the public or animals. During the closure/postclosure maintenance period, the owner/operator shall ensure that leachate collection and control is done in a manner that prevents public contact and controls vectors, nuisance and odors. In designing the leachate control and recovery system to meet the requirements under 27 CCR section 20340, the owner/operator shall also assure that the leachate control and recovery system neither: interferes with landfill gas control; nor promotes landfill gas migration. [JTD Sections E.1.8 and E.1.9 (27 CCR 21160)]

### **B. 5. d. General**

1. The owner/operator shall maintain a written post closure emergency response plan at the facility. The emergency response plan shall identify occurrences that may exceed the design of the site and endanger public health or the environment, and describe specific procedures that minimize these hazards to protect public health and safety. The events that the emergency response plan shall address include, but are not limited to: vandalism, fires, explosions, earthquakes, floods, the collapse or failure of artificial or natural dikes, levees or dams; surface drainage problems; and other waste releases. The emergency response plan shall contain the following: (1) identification of events, that could require the implementation of emergency response actions, (this section shall not apply to the gas monitoring provisions); (2) a description of the actions to be taken, and the sequence and implementation timetable needed to mitigate the conditions; and (3) a statement regarding the general availability of equipment required to mitigate each type of emergency. The owner/operator shall submit a copy of the post closure emergency response plan, the County Department of Environmental Health H immediately upon completion.
2. The owner/operator shall amend the emergency response plan under the following conditions: (1) whenever a failure or release occurs for which the plan did not provide an adequate response; (2) when the post closure land use and/or structures on the site change and these changes are not addressed in the existing plan; or (3) if the County Department of Environmental Health notifies the operator in writing that the current emergency response plan is inadequate under the provisions of this section. The owner/operator shall submit a copy of the amended post closure emergency response plan, the County Department of Environmental Health immediately upon completion. [JTD Section E.3 (27 CCR 21130)]
3. If the landfill face is disturbed, the owner/operator shall immediately begin repairs to any surface cracking, settlement, and/or surficial slumping, the area shall be recontoured to match the approved contours and the area shall be revegetated immediately, using the approved plant palette in the Final Closure Plan (Table 3-5 FEIR). The owner/operator's landscape architect shall verify in writing to the County Department of Environmental Health that this measure has been implemented. MM 4.13-11
4. The owner/operator, upon completion of closure of the site, shall file a detailed description of the closed site, including a map, with the County of San Diego Records Office, County of San Diego Department of Public Works and the County Department of Environmental Health. [(27 CCR 21170)]
5. The owner/operator shall ensure that postclosure maintenance is conducted to ensure the integrity of the final cover and environmental control systems. The landfill shall be maintained and monitored for a period of not less than thirty years after the completion of closure of the entire solid waste landfill. Any areas in which final cover is placed prior to the closure of the entire landfill shall be maintained in accordance with an approved postclosure maintenance plan, but the thirty-year monitoring period shall not commence until closure of the entire landfill is complete. Maintenance and monitoring shall include, but not be limited to site security, and gas monitoring and control system maintenance as specified in the final closure and postclosure maintenance plans. The owner/operator shall provide to the California Integrated Waste Management Board and the County Department of Environmental Health copies of the maps and reports provided to the Regional Water Quality Control Board describing the amount of differential settlement. [JTD Section E.2 (27 CCR 21180)]
6. The owner/operator shall ensure the proposed postclosure land use is designed and maintained to: (1) protect

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public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems; (2) prevent public contact with waste, landfill gas and leachate; and (3) prevent landfill gas explosions. The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover. All proposed postclosure land uses, other than non-irrigated open space, shall be submitted to the County Department of Environmental Health, Regional Water Quality Control Board, SD Air Pollution Control District and Department of Planning and Land Use for review before being implemented, and is subject to the approval of the County Department of Environmental Health. [(27 21170)]

7. Any post-closure construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner/operator shall demonstrate to the satisfaction of the County Department of Environmental Health that the post-closure activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin only after approval by the County Department of Environmental Health, and the Regional Water Quality Control Board. Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions: (1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings; (2) enclosed basement construction is prohibited; (3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems; (4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars; (5) utilities shall not be installed in or below any low permeability layer of final cover; (6) pilings shall not be installed in or through any bottom liner unless approved by the Regional Water Quality Control Board; (7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and (8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities. [(27 CCR 21190)]
8. All on-site construction, within 1,000 feet of the boundary of any disposal area, shall be designed and constructed in accordance with the following, or in accordance with an equivalent design that will prevent gas migration into the building, unless an exemption has been issued: (1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade; (2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab; (3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer; (4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging; (5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system; (6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and (7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities. [(27 CCR 21190)]
9. The owner/operator shall, before the title to the landfill site is transferred to another person during closure or postclosure maintenance, notify the new owner of the existence of closure or postclosure standards and of the conditions and agreements assigned to assure compliance. The previous owner shall notify the County Department of Environmental Health of the change in title within thirty days and shall provide the name, firm, mailing address, and telephone number of the new owner. [(JTD Section E.2.2. (27 CCR 21200)]
10. The owner/operator shall notify the San Luis Rey Municipal Water District, County Department of Environmental Health and each of the parties to the Water Supply Mitigation Agreement of any request to modify or to be released from the requirements of the closure plan or the post closure maintenance plan for the project. MM 4.3-1i
11. If the groundwater available to the owner/operator from on-site wells is not sufficient to allow post-closure management of the landfill in accordance with the requirements of this permit, the owner/operator shall secure sufficient water from another source. If water is trucked to the site, the permitted traffic volume set out in Block 5 of this permit may not be exceeded.
12. All operations during the post-closure period shall comply with all requirements of the San Diego County Air Pollution Control District (APCD) and applicable federal New Source Performance Standards (NSPS) and

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National Emission Standards for Hazardous Air Pollutants (NESHAP) and other federal laws, including but not limited to APCD Rules 10 (requiring an Authority to Construct and a Permit to Operate), 20.1 et seq. (New Source Review), 50 (prohibition of visible emissions), 51 (prohibition of public nuisance), 59 (control of landfill emissions), and 1200 (Toxics New Source Review), and NSPS Subpart WWW and NESHAP Subpart AAAA. MM 4.7.C5J